

**DISTRICT OF COLUMBIA**  
***OFFICIAL CODE***  
**2001 EDITION**

---

Volume 18

Title 35

Railroads and Other Carriers

to

Title 41

Personal Property

**JUNE 2013 SUPPLEMENT**



LexisNexis®

COPYRIGHT © 2013  
By  
The District of Columbia  
All Rights Reserved.

5443110

ISBN 978-0-7698-6592-8 (Volume 18)

ISBN 978-0-7698-6495-2 (Code set)

Matthew Bender & Company, Inc.  
701 East Water Street, Charlottesville, VA 22902  
*www.lexisnexis.com*  
Customer Service: 1-800-833-9844

LexisNexis and the Knowledge Burst logo are registered trademarks of Reed Elsevier Properties Inc., used under license. Matthew Bender is a registered trademark of Matthew Bender Properties Inc.

# COUNCIL OF THE DISTRICT OF COLUMBIA

Phil Mendelson, *Chairman*

Yvette M. Alexander  
Marion Barry  
Anita Bonds  
Muriel Bowser  
David A. Catania  
Mary M. Cheh

Jack Evans  
Jim Graham  
David Grosso  
Kenyan R. McDuffie  
Vincent B. Orange, Sr.  
Tommy Wells

---

## OFFICE OF THE GENERAL COUNSEL

Under Whose Direction This  
Volume Has Been Prepared

V. David Zvenyach, *General Counsel*

John Hoellen, *Legislative Counsel*

Benjamin F. Bryant, Jr., *Codification Counsel*

Karen R. Barbour, *Legal Assistant*

\*

Digitized by the Internet Archive  
in 2014

# PREFACE

---

These annual cumulative pocket parts update the District of Columbia Official Code, 2001 Edition, with permanent, temporary, and emergency legislation and judicial constructions contained in annotations. These pocket parts contain the Laws, general and permanent in their nature, relating to or in force in the District of Columbia (except such laws as are of application in the General and Permanent Laws of the United States) in effect as of April 1, 2013.

This Supplement also updates the D.C. Code annotations by including notes taken from District of Columbia cases appearing in the following sources: Atlantic Reporter, 3d Series Supreme Court Reporter Federal Reporter, 3d Series Federal Supplement, 2d Series Bankruptcy Reporter.

Current legislation between pamphlets or pocket parts can be accessed online at [www.lexisnexis.com/advance](http://www.lexisnexis.com/advance), [www.lexisnexis.com/research](http://www.lexisnexis.com/research), and <http://dcclims1.dccouncil.us/lims>.

The unannotated District of Columbia Official Code can be accessed on the District of Columbia Council Website at <http://www.dccouncil.us>.

Later laws and annotations will be cumulated in subsequent annual Pocket Parts.

Visit our website at <http://www.lexisnexis.com> for an online bookstore, technical support, customer service, and other company information.

For further information or assistance, please call us toll-free at (800) 833-9844, fax us toll-free at (800) 643-1280, email us at [customer.support@lexisnexis.com](mailto:customer.support@lexisnexis.com), or write to: D.C. Editor, LexisNexis, 701 East Water Street, Charlottesville, VA 22902-5389.

June, 2013

LEXISNEXIS



# DIVISION V. LOCAL BUSINESS AFFAIRS.

## TITLE 35. RAILROADS AND OTHER CARRIERS.

### SUBTITLE I. GENERAL.

#### Chapter

#### 2. Street Railways and Bus Lines.

### SUBTITLE I. GENERAL.

#### CHAPTER 2. STREET RAILWAYS AND BUS LINES.

##### *Subchapter II. Student Fares*

Sec.

35-233. Validity of reduced fares; requirements  
for eligibility.

##### *Subchapter II. Student Fares.*

### **§ 35-233. Validity of reduced fares; requirements for eligibility.**

(a)(1) The fare to be paid by students on regular school days for regular route transportation during peak and off-peak hours on the Metrobus Transit System within the District of Columbia shall be  $\frac{1}{2}$  of the base boarding peak bus fare charged to passengers other than students and senior citizens.

(2) The fare to be paid by students on regular school days for regular route transportation during peak and off-peak hours on the Metrorail Transit System within the District of Columbia shall be  $\frac{1}{2}$  of the base boarding peak rail fare charged to passengers other than students and senior citizens for Metrorail travel within the District of Columbia.

(3) In a case where the reduced student fare as determined in paragraph (1) or (2) of this subsection results in an amount which is not a multiple of \$.05, such fare shall be rounded downward to the nearest amount which is a multiple of \$.05.

(4) Transfers for students between buses and between rail and bus shall be made in the same manner as are transfers of other passengers, but without any additional charge for the transfer.

(b)(1) This reduced student fare shall be valid only for transportation of students going to and from public, parochial, and private schools, and to and from related educational activities in the District of Columbia on school days.

(2) Student travel on Metrobus and Metrorail during Saturdays, Sundays, holidays, and vacations shall be charged at the regular rate charged to passengers other than students and senior citizens, except for travel to and



from a recognized school-related educational activity in the District of Columbia. The Mayor shall issue rules and regulations to enforce this section.

(c) Reduced fares for students on the Metrobus and Metrorail Transit Systems shall be available only to persons who are:

(1) Under 19 years of age, except that reduced fares shall be available for children with disabilities, as defined by the Individuals with Disabilities Education Act, approved April 13, 1970 (P.L. 91-230; 84 Stat. 175; 20 U.S.C. § 1401), through the end of the semester in which children with disabilities reach 22 years of age;

(2) Residents of the District of Columbia;

(3) Currently enrolled in a regular course of instruction at an elementary or secondary public, parochial, or private school located in the District of Columbia; and

(4) Youth in the District's foster care system until they reach 21 years of age.

(d) Reduced fares for students on the Metrorail Transit System shall be available only to persons who possess a valid student Metrorail discount card.

(e) Notwithstanding subsections (a) and (b) of this section, the fare to be paid by students on regular school days for regular route transportation during peak and off-peak hours on the Metrobus Transit System and on the Metrorail Transit System shall be \$.15 from September 26, 1981, until December 31, 1981.

(Mar. 6, 1979, D.C. Law 2-152, § 2, 25 DCR 2534; Sept. 26, 1981, D.C. Law 4-33, § 2(a), (b), 28 DCR 3187; Sept. 26, 1995, D.C. Law 11-52, § 815, 42 DCR 3684; Oct. 7, 1998, D.C. Law 12-156, § 2, 45 DCR 4617; Sept. 20, 2012, D.C. Law 19-168, § 6082, 59 DCR 8025.)

**Section references.** — This section is referenced in § 35-234, § 35-235, and § 35-236.

**Effect of amendments.** — The 2012 amendment by D.C. Law 19-168 added (c)(4); and made related changes.

**Legislative history of Law 19-168.** — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and

assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.



# TITLE 36. TRADE PRACTICES.

---

## CHAPTER 3. RETAIL SERVICE STATIONS.

### *Subchapter I-A. Security at Retail Service Stations.*

#### **§ 36-301.22. Retail service station security public service announcement.**

**Effect of amendments.** — The 2012 amendment by D.C. Law 19-171 redesignated subchapter II-A of this chapter as subchapter I-A; and renumbered former § 36-302.22 as § 36-301.22.

**Legislative history of Law 19-171.** — See note to § 1-301.21.

### *Subchapter IV-A. Franchisee Purchase Rights.*

#### **§ 36-304.11. Definitions.**

##### CASE NOTES

##### **Retroactive application.**

District of Columbia Retail Service Station Amendment Act (RSSA), which restricted assignment of gas station franchise agreements, did not apply retroactively to franchisor's assignment of gas station franchise and sale of station property, which occurred prior to date RSSA became law; RSSA did not contain express retroactivity language and was devoid of

any clear implication that it was intended to apply retroactively, and retroactive application of RSSA was disfavored in District of Columbia, given that it imposed new duty on franchisors to offer franchisees right of first refusal. *Metroil, Inc. v. ExxonMobil Oil Corp.*, 672 F.3d 1108, 2012 U.S. App. LEXIS 5712 (C.A.D.C. 2012).

#### **§ 36-304.12. Franchisee's right of first refusal.**

##### CASE NOTES

##### **Retroactive application.**

New legal consequences would have attached to events completed before effective date of District of Columbia Retail Service Station Amendment Act (RSSA), which restricted assignment of gas station franchise agreements, and thus presumption against retroactivity applied absent clear showing that Council in-

tended retroactive application, since RSSA could impose damages on franchisors for already completed commercial transactions and it also might require franchisors to unwind completed transactions. *Metroil, Inc. v. ExxonMobil Oil Corp.*, 672 F.3d 1108, 2012 U.S. App. LEXIS 5712 (C.A.D.C. 2012).



# TITLE 37. WEIGHTS, MEASURES, AND MARKETS.

## Chapter

1. Eastern Market Management and Regulation.
2. Weights, Measures, and Markets Generally.

---

## CHAPTER 1. EASTERN MARKET MANAGEMENT AND REGULATION.

Sec.

37-101. Definitions.

37-102. Coordinated management.

Sec.

37-110. Enforcement.

### § 37-101. Definitions.

For the purpose of this chapter, the term:

(1) “Agricultural products” means vegetables, fruits, grains, mushrooms, honey, plants, plant cuttings, flowers, herbs, nuts, seeds, bulbs, and rootstock and includes baked or processed foods that are:

(A) Processed in some way by the market vendor; and

(B) Approved by the regulatory authorities.

(2) “Antiques” means items of personal property manufactured or made more than 100 years ago.

(3) “Artist” means an individual who created the works of art offered for sale and includes two or more individuals who work together in creating individual works of art offered for sale.

(4) “Center hall” means the 3,160 square feet of the Eastern Market building on the first and second floors that is between the South Hall and North Hall and which, on April 16, 1999, contained a pottery studio and bathrooms.

(5) “Chief Property Management Officer” (“CPMO”) means the Chief Property Management Officer of the District of Columbia Department of General Services.

(6) “Community Arts Center” means a space operated for the promotion of the arts including performances, exhibitions, sales, demonstrations and instruction.

(7) “Community group” means any District-based not-for-profit association or organization whose mission in some way serves the interests of the District’s residents.

(8) “Compatible or complementary uses” means uses similar to the other permitted uses of Eastern Market Square or uses that would enhance and not detract from those uses.

(9) “Crafter” means an individual who created the hand-crafted goods offered for sale and includes two or more individuals who work together in creating individual hand-crafted goods offered for sale.

(10) “Eastern Market” means the building at Lot 800, Square 872 in the District of Columbia.

(11) "Eastern Market Community Advisory Committee" ("EMCAC"), means the advisory committee created in § 37-111.

(12) "Eastern Market special use area" means public land near Eastern Market Square, including but not limited to the playground and parking lot of Hine Junior High School and the Capitol Hill Natatorium Plaza.

(13) "Eastern Market Square" means the area between the south curb of North Carolina Avenue, S.E., and the north curb of C Street, S.E., and between the west curb of 7th Street, S.E., and the building line with the Capitol Hill Natatorium.

(14) "Eastern Market Tenants Council" means an Eastern Market tenants' group comprised of one representative of each major activity, including, but not limited to, the farmers, South Hall stall holders, Center Hall tenants, North Hall tenants, arts and crafts market vendors, and flea market vendors.

(15) "Farmer" means a market vendor who sells agricultural products, of which at least 70%, during the April-November harvest season was: (A) grown on land owned or leased by the market vendor; (B) grown on land neighboring the land owned or leased by the market vendor; (C) obtained directly from others who have grown the product on land which is owned or leased by the producer; or (D) in the non-harvest season of December-March, a market vendor who sells agricultural products in the harvest season, of which at least 30% was either (A), (B), or (C) of this paragraph.

(16) "Farmers' line" means that portion of the Eastern Market Square (under the existing shed) and extending north to North Carolina Avenue, S.E., and south of the shed along the sidewalk of 7th Street, S.E., to C Street, S.E., as well as the portion of the Eastern Market square between Eastern Market and the curb of C Street, S.E.

(17) "Food merchant" means a market vendor who sells agricultural products or prepared food, both home-grown and food obtained from wholesalers, but primarily from food wholesalers, to retail customers.

(18) "Food wholesaler" means vendors who sell agricultural products grown by themselves and others to a food merchant for resale to retail customers.

(19) "Hand-crafted goods" means items produced or created from raw or basic materials that are changed into a significantly different shape, design, form or function using a special skill, trade or manual art.

(20) "Importers of handcrafted and indigenous goods" means market vendors who sell items that are ethno-specific and are designed, produced and representative of the country of origin and purchased by the applicant in the country of origin or imported by the market vendor.

(21) "Market manager" means the not-for-profit association or corporation contracted to provide coordinated management for the Eastern Market Square and the individual or individuals designated to provide day-to-day management of the Eastern Market Square.

(22) "Market vendor" means an individual, association or corporation (including, but not limited to, any partnership, society, club, joint-stock company, estate, receiver, trustee, assignee, or referee, and any combination of individuals acting as a unit) with a currently enforceable contract or agree-



ment with the market manager and engaged in selling any good in or about the Eastern Market Square and includes any artist, any crafter, any farmer and any merchant.

(23) “North Hall” means the 4,500 square feet of space on the ground floor of the North end of Eastern Market.

(24) “North Plaza” means that portion of Eastern Market Square bounded by the private right of way on the west, North Carolina Avenue, S.E., on the north, the Farmers’ Line on the east, and the north face of the Eastern Market building on the south.

(25) Repealed.

(26) “Sidewalk market” means the areas, covered and uncovered, between the building and the street curbs on the south, east and north sides of the Eastern Market building on the Eastern Market Square.

(27) “Sidewalk market stall” means a sidewalk space of at least 32 square feet (normally eight feet by four feet) within which a market vendor is permitted to display and sell goods.

(28) “South Hall” means the 9,500 square feet of the ground floor and basement of the Eastern Market building at the southern end of the building closest to C Street, S.E.

(29) “Tenant” means an individual, association or corporation (including, but not limited to, any partnership, society, club, joint-stock company, estate, receiver, trustee, assignee, or referee, and any combination of individuals acting as a unit) but not limited to organizations and community groups having a written contract with the market manager to occupy space inside the Eastern Market building.

(30) “Vintage goods or collectibles” means any items of personal property previously purchased at retail.

(31) “Works of art” means drawings, paintings, sculptures, photographs, ornamental textiles, ornamental glass, ornamental pottery, and any other items created primarily for aesthetic appreciation.

(Apr. 16, 1999, D.C. Law 12-228, § 2, 46 DCR 1066; Apr. 20, 1999, D.C. Law 12-264, § 22(a), 46 DCR 1066; Sept. 26, 2012, D.C. Law 19-171, § 91(a), 59 DCR 6190.)

**Effect of amendments.** — The 2012 amendment by D.C. Law 19-171 substituted “Department of General Services” for “District of Columbia Office of Property Management” in (5); and repealed (25), which formerly read: “Office of Property Management” (“OPM”) means the District of Columbia Office of Property Management.”

**Legislative history of Law 19-171.** — Law

19-171, the “Technical Amendments Act of 2012,” was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

## § 37-102. Coordinated management.

(a) The Department of General Services shall supervise and provide coordinated management over all operations in the Eastern Market Square. On April 16, 1999, the District of Columbia shall notify any extant lessees and

sub-assignees with an existing lease, contract, agreement or legally binding understanding with respect to any occupant or occupants of the Eastern Market building of the status of their lease or agreement, including the date of termination or expiration of their lease or sub-assignment or any other change to an agreement or legally binding understanding with the District of Columbia that is required by this chapter. The District of Columbia shall remain responsible for capital expenditures for Eastern Market and the Eastern Market Square.

(b) The CPMO may promulgate rules to implement this chapter.

(Apr. 16, 1999, D.C. Law 12-228, § 3, 46 DCR 1066; Sept. 26, 2012, D.C. Law 19-171, § 91(b), 59 DCR 6190.)

**Effect of amendments.** — The 2012 amendment by D.C. Law 19-171 substituted “Department of General Services” for “OPM” in the first sentence of (a).

**Legislative history of Law 19-171.** — Law 19-171, the “Technical Amendments Act of 2012,” was introduced in Council and assigned

Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

## § 37-110. Enforcement.

In the event that a market vendor violates any law, regulation, sidewalk market rule or condition of the market vendor’s sub-lease as specified in the contract, the market manager may issue a market violation notice (“MVN”) to the market vendor suspending the market vendor’s sub-lease until the violation has been cured or corrected. If 3 MVNs are issued to a market vendor during the contract year, the market vendor’s sub-lease shall be cancelled. If the market manager decides not to renew a market vendor’s sub-lease, the market manager shall give the market vendor written notice on or before January 31. MVNs, cancellation, and any decision not to renew a market vendor’s sub-lease shall be effective immediately but may be appealed to the Department of General Services.

(Apr. 16, 1999, D.C. Law 12-228, § 11, 46 DCR 1066; Sept. 26, 2012, D.C. Law 19-171, § 91(c), 59 DCR 6190.)

**Effect of amendments.** — The 2012 amendment by D.C. Law 19-171 substituted “Department of General Services” for “Office of Property Management” in the last sentence.

**Legislative history of Law 19-171.** — Law 19-171, the “Technical Amendments Act of 2012,” was introduced in Council and assigned

Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

CHAPTER 1A. VENDING REGULATION.

§ 37-131.01. Definitions.

**Section references.** — This section is referenced in § 2-1212.01, § 10-1141.02, and § 48-102.

**Temporary Amendment of Section.** — Section 2(a) of D.C. Law 19-144 added pars. (1A) and (2A) to read as follows:

“(1A) ‘Healthy food vendor’ means a vendor that sells only unprocessed, unfrozen, whole, raw fruits and vegetables that have not been combined with other ingredients; provided,

that the Mayor, by rule, may expand this definition to include other healthy food items.”.

“(2A) ‘Underserved area’ means a historically underutilized business zone, as defined by section 3(p)(1) of the Small Business Act, approved July 18, 1958 (72 Stat. 384; 15 U.S.C. § 632(p)(1)).”.

Section 5(b) of D.C. Law 19-144 provided that the act shall expire after 225 days of its having taken effect.

§ 37-131.03. Vending locations.

**Temporary Amendment of Section.** — Section 2(b) of D.C. Law 19-144, in subsec. (c), substituted “provided, that vending locations on the National Mall and healthy food vendors located in underserved areas shall not be included in this limitation” for “provided, that

vending locations on the National Mall shall not be included in this limitation”.

Section 5(b) of D.C. Law 19-144 provided that the act shall expire after 225 days of its having taken effect.

§ 37-131.04. Assignment of vending locations.

**Temporary Amendment of Section.** — Section 2(c) of D.C. Law 19-144 added subsec. (b-1) to read as follows:

“(b-1) Notwithstanding subsection (b) of this section, the Mayor may issue up to 15 vending site permits to healthy food vendors located in underserved areas; provided, that if a vendor

receiving a vending site permit ceases to be a healthy food vendor, the Mayor shall revoke the permit.”.

Section 5(b) of D.C. Law 19-144 provided that the act shall expire after 225 days of its having taken effect.

CHAPTER 2. WEIGHTS, MEASURES, AND MARKETS GENERALLY.

*Subchapter I. Weights and Measures Generally*

Sec.

37-201.18a. Gasoline and fuel pump octane measurement.

*Subchapter I. Weights and Measures Generally.*

§ 37-201.18a. Gasoline and fuel pump octane measurement.

(a) The Director shall:

(1) Take samples of automotive fuel wherever it is offered for sale or use in the District of Columbia;

(2) Inspect and test on at least an annual basis and on a random, unannounced basis the octane levels of the gasoline dispensed at each gasoline pump;



(3) Maintain records of all inspections;

(4) If determined to be necessary, at the Director's discretion, enter into contractual agreements with qualified laboratories as a cost-saving measure for the purpose of analyzing automotive fuel samples if the octane level of the automotive fuel is questioned; and

(5) Issue rules for the enforcement and administration of this subchapter, which may include the adoption by reference of applicable regulations issued by the Federal Trade Commission governing the certification, disclosure, posting, and labeling of automotive fuel.

(b) No automotive fuel may be sold or offered for sale unless approved by the Director.

(c) The Director may conduct investigations to determine compliance with this subchapter.

(d) If the Director determines that an automotive fuel sample does not conform with the standards set out by this subchapter or rules issued pursuant to this subchapter, the Director may take any or all of the following actions to prohibit the sale of the nonconforming automotive fuel or to prohibit the use of the nonconforming dispensing system, storage tank, or other dispensing device:

(1) Seal and mark as sealed the storage tanks from which the sample was drawn or the nonconforming label attached;

(2) Condemn and mark as condemned the dispensing system, storage tank, or other dispensing device from which the sample was obtained or on which the nonconforming label is attached; or

(3) Issue civil infractions under § 2-1801.01 et seq.

(e) If the Director condemns the dispensing system, storage tank, or other dispensing device, the Director may immediately seize and seal, to prevent further sales, any dispensing system, storage tank, or other dispensing device from which automotive fuel is sold or offered for sale in violation of this subchapter or rules issued pursuant to this subchapter.

(f)(1) The Director shall post, in a conspicuous place on the premises where a dispensing system, storage tank, or other dispensing device has been condemned, a notice stating that the condemnation has taken place, the grounds for the condemnation, and a warning that it shall be unlawful to break, mutilate, or destroy any notice, seal, or order issued by the Director regarding the condemnation.

(2) The notice required under this subsection shall remain posted until the Director has reinspected the condemned dispensing system, storage tank, or other dispensing device and determined it to be in compliance.

(g) The Director may assess a civil penalty of not more than:

(1) \$5,000 upon a retailer who sells or offers for sale automotive fuel from any dispensing system, storage tank, or other dispensing device that has not been labeled in accordance with the provisions of this subchapter or rules issue pursuant to this subchapter;

(2) \$5,000 upon a retailer who allows a person, other than a person designated by the Director, to break, mutilate, or destroy any notice, seal, or order issued by the Director and placed upon a dispensing system, storage tank, or other dispensing device used to deliver or store automotive fuel: and

(3) \$20,000 upon a retailer who sells or offers to sell automotive fuel from any dispensing system, storage tank, or other dispensing device that has been condemned by the Director.

(h) In addition to civil penalties assessed pursuant to this subchapter, the Director may suspend a retailer's business license for up to 90 days after the retailer's third violation of this subchapter.

(March 3, 1921, 41 Stat. 1223, ch. 118, § 18a [18b], as added Sept. 20, 2012, D.C. Law 19-168, § 2062, 59 DCR 8025.)

**Effect of amendments.** — The 2012 amendment by D.C. Law 19-168 added this section.

**Legislative history of Law 19-168.** — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act

No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

**Editor's notes.** — Section 18a of the Act of Mar. 3, 1921, ch. 118, § 18a, as enacted by the Act of July 7, 1932, 47 Stat. 609, ch. 442, concerning the standard liquid measure for ice cream, was codified as part of § 37-201.19, and later repealed by the Act of Aug. 7, 1964, 78 Stat. 382, Pub. L. 88-405, § 2.

**DIVISION VI. EDUCATION, LIBRARIES, AND  
PUBLIC INSTITUTIONS.**

**TITLE 38. EDUCATIONAL INSTITUTIONS.**

**SUBTITLE I. PUBLIC EDUCATION — PRIMARY AND SECONDARY.**

**Chapter**

- 1B. Department of Education.**
- 2. Compulsory School Attendance and Expulsion.**
- 3. Residency Requirement and Nonresident Tuition.**
- 6. Student Health Care.**
- 7B. Education Preparedness.**
- 8A. Healthy Schools.**

**SUBTITLE III. PUBLIC EDUCATION — POST SECONDARY.**

- 12. Public Postsecondary Education Reorganization.**
- 13. Education Licensure Commission.**

**SUBTITLE IV. PUBLIC EDUCATION — CHARTER SCHOOLS.**

- 18. District of Columbia School Reform (Public Charter Schools).**
- 18A. Miscellaneous Public Charter School Provisions.**

**SUBTITLE VII. SPECIAL EDUCATION.**

- 25B. Placement of Students with Disabilities in Nonpublic Schools.**

**SUBTITLE VIII. STATE EDUCATION OFFICE.**

- 26. Office of the State Superintendent of Education.**

**SUBTITLE X. SCHOOL FUNDING.**

- 28. School-Based Budgeting and Accountability.**
  - 29. Uniform Per Student Funding Formula.**
-

## SUBTITLE I. PUBLIC EDUCATION — PRIMARY AND SECONDARY.

### CHAPTER 1. BOARD OF EDUCATION.

#### *Subchapter I. General.*

### § 38-102. General policies; expenditures; appointment of employees.

**Temporary Addition of Section.** — Section 2 of D.C. Law 19-203 created the Public Schools Revenue Generation Fund as follows:

“There is established as a nonlapsing fund the Public Schools Revenue Generation Fund (“Fund”), which shall be used solely as provided in subsection (d) of this section and administered by the District of Columbia Public Schools (“DCPS”). The Fund shall be funded by annual appropriations, which shall be deposited into the Fund.”

“(b) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (d) of this section without regard to fiscal year limitation, subject to authorization by Congress.

“(c) Funds deposited into the Fund shall include:

“(1) The sale of tickets to sporting events and school performances (“Ticket Sales”); and

“(2) School facility use agreement and permit fees pursuant to this act (“Use Agreements”).

“(d) The Fund shall be used to support the administration, improvement, and maintenance of property and programs managed by DCPS to supplement, but not replace, services provided by DCPS.

“(e) Notwithstanding any other provision of law, DCPS may contract for, pursuant to all

applicable contracting and procurement guidelines, Ticket Sales and Use Agreements.

“(f) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), may issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, by resolution, within the 30-day review period, the proposed rules shall be deemed approved.”

Section 4(b) of D.C. Law 19-203 provided that the act shall expire after 225 days of its having taken effect.

**Emergency legislation.** — For temporary (90 day) addition, see § 2 of the District of Columbia Public Schools Partnership Emergency Act of 2012 (D.C. Act 19-395, July 18, 2012, 59 DCR 8703).

For temporary establishment of the Public Schools Revenue Generation Fund, see § 2 of the District of Columbia Public Schools Partnership Emergency Act of 2012 (D.C. Act 19-395, July 18, 2012, 59 DCR 8703).

For temporary establishment of the Public Schools Revenue Generation Fund, see § 2 of the District of Columbia Public Schools Partnership Congressional Review Emergency Act of 2012 (D.C. Act 19-543, November 15, 2012, 59 DCR 13586), applicable as of October 16, 2012.

### CHAPTER 1A. PUBLIC SCHOOLS AGENCY.

### § 38-171. District of Columbia Public Schools agency; establishment.

**Section references.** — This section is referenced in § 38-753.02, § 38-755.02, and § 38-821.01.

**Emergency legislation.** — For temporary (90 day) addition of section, see § 4003 of Fiscal Year 2013 Budget Support Emergency Act of



2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) addition of section, see § 4082 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) addition of section,

see § 4003 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

For temporary (90 day) addition of section, see § 4082 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

## CHAPTER 1B. DEPARTMENT OF EDUCATION.

Sec.

38-192.01. Adult literacy reporting.

Sec.

38-193. Evaluation and re-authorization.

### § 38-192.01. Adult literacy reporting.

(a) The Office of the Deputy Mayor for Education shall report to the Mayor and the Council, on an annual basis on or before the start of the third quarter of fiscal years 2012 through 2016, on the capacity of District-funded service providers to meet the need and demand for adult literacy services in the District. The report shall:

(1) Cover the current and the preceding fiscal year;

(2) Identify the office's metrics used for measuring the need and demand for adult literacy support, state the office's quality standards, and measure the performance of District-funded providers of adult literacy services;

(3) Provide an accounting of the total number of adults needing literacy support in the District and by ward;

(4) Provide an accounting of the total number of District-funded providers of adult literacy support services that provide services to District residents, broken down by ward;

(5) Provide an accounting of the total number of openings available for literacy support services from District-funded service providers during the fiscal year reported, broken down by ward and by service provider;

(6) Provide a gap analysis that measures the capacity of District-funded service providers to meet the need and demand for adult literacy services in the District and by ward; and

(7) Propose an adult literacy plan for the next fiscal year to ensure that District-funded programs are meeting the needs of adult learners District-wide and by ward.

(b) To prepare for the adult literacy report, the Office of the Deputy Mayor for Education, shall seek information and support for the development of quality standards and performance measures from community-based providers of adult education and family literacy services, adult learners, funders, District and federal agencies, representatives from the business community, and adult education experts.

(June 12, 2007, D.C. Law 17-9, § 203a, as added Sept. 26, 2012, D.C. Law 19-171, § 92, 59 DCR 6190.)

**Effect of amendments.** — The 2012 amendment by D.C. Law 19-171 clarified that D.C. Law 19-21, § 4052, added D.C. Law 17-9, § 203a.

**Legislative history of Law 19-171.** — Law 19-171, the “Technical Amendments Act of 2012,” was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

**Editor’s notes.** — Applicability: Section 305 of Law 17-9 provides that this title shall apply upon Congressional enactment of Title IX and inclusion of its effect in an approved budget and financial plan. Congress enacted the provisions of Title IX in Pub. L. 110-33, approved June 1, 2007.

Section 4052 of D.C. Law 19-21 provided:

“Sec. 4052. Adult literacy reporting.

“(a) The Office of the Deputy Mayor for Education shall report to the Mayor and the Council, on an annual basis on or before the start of the third quarter of fiscal years 2012 through 2016, on the capacity of District-funded service providers to meet the need and demand for adult literacy services in the District. The report shall:

“(1) Cover the current and the preceding fiscal year;

“(2) Identify the office’s metrics used for measuring the need and demand for adult literacy

support, state the office’s quality standards, and measure the performance of District-funded providers of adult literacy services;

“(3) Provide an accounting of the total number of adults needing literacy support in the District and by ward;

“(4) Provide an accounting of the total number of District-funded providers of adult literacy support services that provide services to District residents, broken down by ward;

“(5) Provide an accounting of the total number of openings available for literacy support services from District-funded service providers during the fiscal year reported, broken down by ward and by service provider;

“(6) Provide a gap analysis that measures the capacity of District-funded service providers to meet the need and demand for adult literacy services in the District and by ward; and

“(7) Propose an adult literacy plan for the next fiscal year to ensure that District-funded programs are meeting the needs of adult learners District-wide and by ward.

“(b) To prepare for the adult literacy report, the Office of the Deputy Mayor for Education, shall seek information and support for the development of quality standards and performance measures from community-based providers of adult education and family literacy services, adult learners, funders, District and federal agencies, representatives from the business community, and adult education experts.”

Short title: Section 4051 of D.C. Law 19-21 provided that subtitle F of title IV of the act may be cited as “Adult Literacy Reporting Act of 2011”.

## § 38-193. Evaluation and re-authorization.

(a)(1) By October 1 of each year, beginning in 2009, and every year thereafter, an evaluator shall be retained to conduct an independent evaluation of District of Columbia Public Schools (“DCPS”) and of any affiliated education reform efforts. The evaluation shall be conducted according to the standard procedures of the evaluator, with full cooperation of the Council, Mayor, Chancellor, State Superintendent of Education, and other government personnel.

(2) The annual evaluation shall include an assessment of:

(A) Business practices;

(B) Human resources operations and human capital strategies;

(C) All academic plans; and

(D) The annual progress made as measured against the benchmarks submitted the previous year, including a detailed description of student achievement.

(3) The initial evaluation shall incorporate benchmarks and analysis of the best available data to assess annual achievement.

(b) On September 30, 2014, the independent evaluator shall submit to the

Council, the State Board of Education, and the Mayor a 5-year assessment of the public education system established by this act, which shall include:

(1) A comprehensive evaluation of public education following the passage of this act; and

(2) A determination as to whether sufficient progress in public education has been achieved to warrant continuation of the provisions and requirements of this act or whether a new law, and a new system of education, should be enacted by the District government.

(c)(1) The evaluations, and assessment, required by this section shall be conducted by the National Research Council of the National Academy of Sciences (“NRC”) for the 5-year period described in this section.

(2) By December 31, 2009, prior to conducting the initial evaluation, NRC shall submit to the Council and the Mayor a compilation of data and an analysis plan, which shows:

(A) A description of the procedures and method to be used to conduct the evaluation;

(B) The opportunities for public involvement;

(C) The estimated release dates of interim and final evaluation reports; and

(D) A revised budget and funding plan for the evaluation.

(d) The Office of the Chief Financial Officer shall transfer by October 5, 2009, an amount of \$325,000 in local funds through an intra-District transfer from DCPS to the Office of the District of Columbia Auditor to contract with NRC to conduct the initial evaluation required by this section.

(June 12, 2007, D.C. Law 17-9, § 204, 54 DCR 4102; Mar. 3, 2010, D.C. Law 18-111, § 4051(b), 57 DCR 181; Sept. 26, 2012, D.C. Law 19-171, § 93, 59 DCR 6190.)

**Section references.** — This section is referenced in § 2-1595.

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-171 made a technical correction to D.C. Law 18-111 which did not affect this section as codified.

**Legislative history of Law 19-171.** — Law 19-171, the “Technical Amendments Act of

2012,” was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

CHAPTER 2. COMPULSORY SCHOOL ATTENDANCE AND EXPULSION.

*Subchapter I. School Attendance*

Sec.  
38-201. Definitions.

Sec.  
38-203. Enforcement; penalties.

*Subchapter I. School Attendance.*

§ 38-201. Definitions.

For the purposes of this subchapter, the term:



(1) “Board” means the District of Columbia Board of Education.

(2) “District” means the District of Columbia.

(3) “Minor” means a person who has not reached 18 years of age, pursuant to § 46-101.

(3A) “School-based student support team” means a team formed to support the individual student by developing and implementing action plans and strategies that are school-based or community-based, depending on the availability, to enhance the student’s success with services, incentives, intervention strategies, and consequences for dealing with absenteeism.

(4) “School year” means the period from the opening of regular school programs, typically in September, until the closing of regular school programs, typically in June.

(Feb. 4, 1925, ch. 140, Art. I, § 1, as added Mar. 8, 1991, D.C. Law 8-247, § 2(a), 38 DCR 376; Oct. 26, 2010, D.C. Law 18-242, § 3(a), 57 DCR 7555; June 7, 2012, D.C. Law 19-141, § 302(a), 59 DCR 3083.)

**Section references.** — This section is referenced in § 38-1800.02.

**Effect of amendments.**

D.C. Law 19-141 added par. (3A).

**Legislative history of Law 19-141.** — Law 19-141, the “South Capitol Street Memorial Amendment Act of 2012”, was introduced in Council and assigned Bill No. 19-211, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on March 6, 2012, and March 20, 2012, respectively. Signed by the Mayor on April 10, 2012, it was assigned Act No. 19-344 and trans-

mitted to both Houses of Congress for its review. D.C. Law 19-141 became effective on June 7, 2012.

**Editor’s notes.** — Section 601 of D.C. Law 19-141 originally provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan. Section 601 of D.C. Law 19-141, as amended by D.C. Law 19-168, § 7004, provided that the applicability of only §§ 302(b)(1), 304, and 502(a) are contingent upon the inclusion of their fiscal effect in an approved budget and financial plan.

## § 38-203. Enforcement; penalties.

(a) An accurate daily record of the attendance of all minors covered by § 38-202 and this section shall be kept by the teachers of each public, independent, private, or parochial school and by every teacher who gives instruction privately. These records shall be open for inspection at all times by the Board, the Superintendent of Schools, school attendance officers, or other persons authorized to enforce this subchapter.

(b) It shall be the duty of each principal, head teacher, or school administrative officer as designated in each public, independent, private, or parochial school, and of each teacher who gives private instruction to report to the Board the school attendance of any minor covered by § 38-202(a) who is enrolled in a school or who is enrolled for private instruction and who is absent from school or instruction for more than 2 full-day sessions or 4 half-day sessions in any school month, along with a statement of the reasons for the absences.

(c) The absence of a minor covered by § 38-202(a) without valid excuse shall be unlawful.

(d) The parent, guardian, or other person who has custody or control of a minor covered by § 38-202(a) who is absent from school without a valid excuse shall be guilty of a misdemeanor.

(e) Any person convicted of failure to keep a minor in regular attendance in

a public, independent, private, or parochial school, or failure to provide regular private instruction acceptable to the Board may be fined not less than \$100 or imprisoned for not more than 5 days, or both for each offense.

(f) Each unlawful absence of a minor for 2 full-day sessions or for 4 half-day sessions during a school month shall constitute a separate offense.

(g) For the 1st offense, upon payment of costs, the sentence may be suspended and the defendant may be placed on probation.

(h) For any person convicted under this section, the courts shall consider requiring the offender to perform community service as an alternative to fine or imprisonment or both.

(i) Within 60 days after the end of a school year, each public, independent, private, or parochial school shall report to the Mayor, or the Mayor's designee, and make publicly available, the following data based on the preceding school year:

(A) The number of minors, categorized by grade, or equivalent grouping for ungraded schools, who had unexcused absences for:

- (i) One to 5 days;
- (ii) Six to 10 days;
- (iii) Eleven to 20 days; and
- (iv) Twenty-one or more days;

(A-i) The work of the school-based student support teams in reducing unexcused absences, including:

- (i) The number of students who were referred to a school-based student support team;
- (ii) The number of students who met with a school-based student support team;
- (iii) A summary of the action plans and strategies implemented by the school-based student support team to eliminate or ameliorate unexcused absences; and
- (iv) A summary of the services utilized by students to reduce unexcused absences;
- (v) A summary of the common barriers to implementing the recommendations of the school-based student support team;

(B) The number of minors, categorized by grade, or equivalent grouping for ungraded schools, that the school reported to the Child and Family Services Agency pursuant to § 4-1321.02(a-1) and (a-2);

(B-i) The number of minors categorized by grade, or equivalent grouping for ungraded schools, that the school referred to the Court Social Services Division of the Family Court of the Superior Court of the District of Columbia for truancy; and

(C) The policy on absences, including defined categories of valid excuses, that it used.

(j) By August 1, 2012, the Mayor shall develop, through rulemaking, appropriate enforcement mechanisms to ensure that each school, principal, and teacher is in full compliance with the requirements of this subchapter and any regulations issued pursuant to this subchapter.

(Feb. 4, 1925, 43 Stat. 806, ch. 140, Art. I, §§ 5-7; renumbered as Art. II, § 2

and amended, Mar. 8, 1991, D.C. Law 8-247, § 2(a), 38 DCR 376; Oct. 26, 2010, D.C. Law 18-242, § 3(b), 57 DCR 7555; June 7, 2012, D.C. Law 19-141, § 302(b), 59 DCR 3083.)

**Section references.** — This section is referenced in § 38-2605.

**Effect of amendments.**

D.C. Law 19-141 added subsecs. (i)(A-ii), (B-i), and (j).

**Legislative history of Law 19-141.** — For history of Law 19-141, see notes under § 38-203.

**Editor's notes.** — Section 601 of D.C. Law 19-141, as amended by D.C. Law 19-168, § 7004, provided that §§ 302(b)(1), 304, and 502(a) of the act shall apply upon the inclusion of their fiscal effect in an approved budget and financial plan.

## CHAPTER 3. RESIDENCY REQUIREMENT AND NONRESIDENT TUITION.

Sec.

38-312. False information; penalty.

38-312.01. False information hotline.

38-312.02. Student Residency Verification Fund.

Sec.

38-312.03. Report on the status of residency fraud investigations, levying and collection of fines, and retroactive tuition.

### § 38-312. False information; penalty.

The fact that a parent or caregiver of a student has provided satisfactory evidence of residency or other primary caregiver status pursuant to this chapter shall not prevent a principal or other school administrator, a chartering authority, or the Office of the State Superintendent of Education from establishing by information and other evidence that a student or the student's parent or primary caregiver is not in fact a District of Columbia resident or an other primary caregiver. Any person, including any District of Columbia public schools or public charter school official, who knowingly supplies false information to a public official in connection with student residency verification shall be subject to charges of tuition retroactively, and payment of a fine of not more than \$2,000, or imprisonment for not more than 90 days, but not both a fine and imprisonment. The case of a person who knowing supplies false information may be referred by the Office of the State Superintendent of Education to the Office of Attorney General for consideration for prosecution.

(Sept. 8, 1960, 74 Stat. 854, Pub. L. 86-725, § 15, as added Dec. 7, 2004, D.C. Law 15-205, § 4012(c), 51 DCR 8441; May 9, 2012, D.C. Law 19-126, § 2(a), 59 DCR 1939.)

**Effect of amendments.** — D.C. Law 19-126 rewrote the section, which formerly read:

"The fact that a parent or caregiver of a student has provided satisfactory evidence of residency or other primary caregiver status pursuant to this chapter shall not prevent a principal or other school administrator, the Board of Education, a chartering authority, or the State Education Office from establishing by information and other evidence that a student or the student's parent or primary caregiver is

not in fact a District of Columbia resident or an other primary caregiver. Any person, including any District of Columbia public schools or public charter school official, who knowingly supplies false information to a public official in connection with student residency verification shall be subject to charges of tuition retroactively, payment of a fine of not more than \$500, or imprisonment for not more than 90 days, or any combination thereof. The case of a person who knowing supplies false information may be



referred to the Office of the Attorney General for consideration for prosecution.”

**Emergency legislation.**

For temporary (90 day) repeal of section 3 of D.C. Law 19-126, see § 7012 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) repeal of section 3 of D.C. Law 19-126, see § 7012 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-126.** — Law 19-126, the “District of Columbia Public Schools and Public Charter School Student

Residency Fraud Prevention Amendment Act of 2012”, was introduced in Council and assigned Bill No. 19-228, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on January 4, 2012, and February 7, 2012, respectively. Signed by the Mayor on March 1, 2012, it was assigned Act No. 19-320 and transmitted to both Houses of Congress for its review. D.C. Law 19-126 became effective on May

**Editor’s notes.** — Section 3 of D.C. Law 19-126 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan. D.C. Law 19-126, § 3, was repealed by D.C. Law 19-168, § 7012.

**§ 38-312.01. False information hotline.**

(a) The Office of the State Superintendent of Education shall establish a hotline to receive tips and information regarding the non-District residence, or other primary caregiver status, of a parent or a primary caregiver of a student in a District of Columbia public school or a public charter school.

(b) District of Columbia public schools and public charter schools shall post a sign, which is clearly visible and not smaller than 8.5 inches by 11 inches, at each location where admission procedures take place and in each principal’s office, notifying the public of the hotline and of the penalties set forth in this chapter.

(c) The Office of the State Superintendent of Education shall ensure that District of Columbia public schools and public charter schools investigate an allegation received through the hotline or through any other source of information.

(d)(1) The Office of the State Superintendent of Education shall refer to the Office of the Attorney General all cases concerning any person, including any official of a District of Columbia public school or public charter school, who knowingly supplies false information to a public official in connection with the verification of residency or primary caregiver status.

(2) The Attorney General shall keep a log of all cases referred by the Office of the State Superintendent of Education and issue a report by May 1, 2012. The report shall include:

- (A) The number of cases reported pursuant to this subsection;
- (B) The number of students involved in each case;
- (C) A list of schools involved in each case; and
- (D) The resources needed to prosecute each case.

(Sept. 8, 1960, 74 Stat. 854, Pub. L. 86-725, § 15a, as added May 9, 2012, D.C. Law 19-126, § 2(b), 59 DCR 1939.)

**Emergency legislation.** — For temporary (90 day) repeal of section 3 of D.C. Law 19-126, see § 7012 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) repeal of section 3 of D.C. Law 19-126, see § 7012 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-126.** — For history of Law 19-126, see notes under § 38-312.

**Editor's notes.** — Section 3 of D.C. Law

19-126 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan. D.C. Law 19-126, § 3, was repealed by D.C. Law 19-168, § 7012.

## § 38-312.02. Student Residency Verification Fund.

(a) There is established as a nonlapsing fund the Student Residency Verification Fund ("Fund"), which shall be used for the purposes set forth in subsection (b) of this section. All funds deposited in the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(b) The Fund shall be used solely to fund enforcement activities concerning student residency and primary caregiver status verification.

(c) The Fund shall be administered by the Office of the State Superintendent of Education.

(d) There shall be deposited into the Fund all payments collected pursuant to this chapter.

(Sept. 8, 1960, 74 Stat. 854, Pub. L. 86-725, § 15b, as added May 9, 2012, D.C. Law 19-126, § 2(b), 59 DCR 1939.)

**Emergency legislation.** — For temporary (90 day) repeal of section 3 of D.C. Law 19-126, see § 7012 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) repeal of section 3 of D.C. Law 19-126, see § 7012 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-126.** — For history of Law 19-126, see notes under § 38-312.

**Editor's notes.** — Section 3 of D.C. Law 19-126 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan. D.C. Law 19-126, § 3, was repealed by D.C. Law 19-168, § 7012.

## § 38-312.03. Report on the status of residency fraud investigations, levying and collection of fines, and retroactive tuition.

The Mayor shall submit a report to the Council on the status of residency fraud investigations and the levying and collection of fines and retroactive tuition within 30 days of May 9, 2012, and on an annual basis thereafter. The report for each local education agency shall include:

- (1) The number of cases investigated due to suspected fraud;
- (2) The number of cases that were determined to be residency fraud;
- (3) Of the cases that were determined to be residency fraud, the number that were assessed fines or retroactive tuition charges;
- (4) The amount of fines and retroactive tuition charges imposed; and
- (5) The amount of fines and retroactive tuition collected.

(Sept. 8, 1960, 74 Stat. 854, Pub. L. 86-725, § 15c, as added May 9, 2012, D.C. Law 19-126, § 2(b), 59 DCR 1939.)

**Emergency legislation.** — For temporary (90 day) repeal of section 3 of D.C. Law 19-126, see § 7012 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) repeal of section 3 of D.C. Law 19-126, see § 7012 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-126.** — For history of Law 19-126, see notes under § 38-312.

**Editor's notes.** — Section 3 of D.C. Law 19-126 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan. D.C. Law 19-126, § 3, was repealed by D.C. Law 19-168, § 7012.

## CHAPTER 4. USE OF SCHOOL BUILDINGS.

### § 38-409. Control of school buildings; disposition of proceeds.

**Temporary Addition of Section.** — Sections 2 and 3 of D.C. Law 19-227 added provisions concerning school-based enrichment programs to read as follows:

"Sec. 2. Notwithstanding any other provision of law, during the 2012-13 school year, the District shall not charge rent to a parent-run, before- or after-school enrichment program operating in a District public school; provided, that the program:

- "(1) Operates on a not-for-profit basis;
- "(2) Has been approved by the school to operate during the 2012-2013 school year;
- "(3) Has an approved building use agreement for 2012-2013 with the District;
- "(4) Meets the District's insurance requirements; and
- "(5) Pays any actual costs for security, custodial, or other services that the District requires.

"Sec. 3. (a) The Department of General Services ("DGS") shall develop a District-wide procedure for the use of District schools by parent-run, nonprofit enrichment programs, including a process for obtaining permission to use spaces in school, the amount of insurance the pro-

grams are required to obtain, and any operational fees or costs that the programs shall be required to pay to the District.

"(b) On or before March 15, 2013, DGS shall:

"(1) Post a draft of the procedure set forth in subsection (a) of this section on its website for public comment; and

"(2) E-mail notice of the draft procedure with information on how to provide comment to the chairs of all Local School Advisory Teams.

"(c) On or before May 15, 2013, DGS shall finalize the procedure set forth in subsection (a) of this section, which shall take effect at the start of the 2013-2014 school year, and shall post details about the procedure on its website."

Section 5(b) of D.C. Law 19-227 provided that the act shall expire after 225 days of its having taken effect.

#### **Emergency legislation.**

For temporary addition of provisions concerning the use of District public schools for school-based enrichment programs and the development of a plan for that use, see §§ 2 and 3 of the School-Based Enrichment Programs Emergency Act of 2012 (D.C. Act 19-529, November 2, 2012, 59 DCR 13330).

## CHAPTER 6. STUDENT HEALTH CARE.

### *Subchapter IV. Student Access to Treatment*

Sec.

38-651.04. Medication administration training program.



*Subchapter IV. Student Access to Treatment.***§ 38-651.04. Medication administration training program.**

(a) By July 1, 2008, the Mayor shall develop and implement a medication administration training program, which shall provide training and certification of employees and agents of a school to:

(1) Administer medication to students with valid medication action plans who are not authorized to possess that medication or are not competent to self-administer the medication; and

(2) Administer medication in emergency circumstances to any student experiencing an acute episode of asthma, anaphylaxis, or other illness.

(b) All training provided pursuant to subsection (a) of this section shall be conducted by a health-care professional licensed in the District of Columbia.

(c) A health-care professional shall provide a school with written certification of successful completion of the training for each employee or agent of the school. The certification shall be valid for 3 years.

(Feb. 2, 2008, D.C. Law 17-107, § 5, 54 DCR 12230; Sept. 26, 2012, D.C. Law 19-169, § 24, 59 DCR 5567.)

**Section references.** — This section is referenced in § 38-651.05 and § 38-651.06.

**Effect of amendments.** — The 2012 amendment by D.C. Law 19-169 substituted “experiencing” for “suffering” in (a)(2).

**Legislative history of Law 19-169.** — Law 19-169, the “People First Respectful Language Modernization Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-189. The Bill was adopted on first and sec-

ond readings on Mar. 6, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 15, 2012, it was assigned Act No. 19-361 and transmitted to Congress for its review. D.C. Law 19-169 became effective on Sept. 26, 2012.

**Editor’s notes.** — Section 35 of D.C. Law 19-169 provided that no provision of the act shall impair any right or obligation existing under law.

**CHAPTER 7B. EDUCATION PREPAREDNESS.***Subchapter I. Early Warning and Support System*

Sec.

38-751.01. Short title.

38-751.02. Definitions.

38-751.03. Pilot early warning and support system.

38-751.04. Survey.

38-751.05. Report.

*Subchapter II. Post-Secondary Preparation Plan*

38-752.01. Short title.

38-752.02. Definitions.

38-752.03. Post-secondary preparation plan.

*Subchapter III. Highly Effective Teacher Incentive*

38-753.01. Short title.

Sec.

38-753.02. Definitions.

38-753.03. Pilot incentive program.

38-753.04. Report.

38-753.05. Expiration of subchapter.

*Subchapter IV. Community Schools Incentive*

38-754.01. Short title.

38-754.02. Definitions.

38-754.03. Administration of Community Schools Incentive Initiative.

38-754.04. Establishment of Community School Fund.

*Subchapter V. Early Childhood Education*

38-755.01. Short title.

38-755.02. Definitions.

38-755.03. Requirements and goals.

38-755.04. Tracking and monitoring.



*Subchapter VI. Rulemaking*

*Subchapter VII. Applicability of Chapter*

Sec.  
38-756.01. Rules.

Sec.  
38-757.01. Applicability.

*Subchapter I. Early Warning and Support System.*

**§ 38-751.01. Short title.**

This subchapter may be cited as the “Early Warning and Support System Act of 2012”.

(June 19, 2012, D.C. Law 19-142, § 101, 59 DCR 3642.)

**Legislative history of Law 19-142.** — Law 19-142, the “Raising the Expectations for Education Outcomes Omnibus Act of 2012”, was introduced in Council and assigned Bill No. 19-648, which was referred to the Committee of the Whole. The Bill was adopted on first and

second readings on March 6, 2012, and March 20, 2012, respectively. Signed by the Mayor on April 20, 2012, it was assigned Act No. 19-345 and transmitted to both Houses of Congress for its review. D.C. Law 19-142 became effective on June 19, 2012.

**§ 38-751.02. Definitions.**

For the purposes of this subchapter, the term:

(1) “DC-BAS” means the DC Benchmark System.

(2) “DC-CAS” means the District of Columbia Comprehensive Assessment System examination.

(3) “Feeder school group” means one or more schools serving students in grades 4 through 9. Feeder school groups shall be selected by the Mayor and may consist of any of the following:

(A) An elementary school, middle school, and a high school in the same feeder pattern;

(B) An education campus and high school in the same feeder pattern; or

(C) One school that serves students in grades 4 through 9.

(4) “Low-performing school” means a public school or public charter school in which fewer than 40% of students performed proficient or higher on the 2011 DC-CAS.

(5) “Mid-high-performing school” means a public school or public charter school in which 40% or more of students performed proficient or higher on the 2011 DC-CAS.

(June 19, 2012, D.C. Law 19-142, § 102, 59 DCR 3642.)

**Legislative history of Law 19-142.** — For history of Law 19-142, see notes under § 38-751.01.

**§ 38-751.03. Pilot early warning and support system.**

(a)(1) There is established a pilot early warning and support system (“early warning and support system”) to track how individual students in grades 4 through 9 in 4 feeder school groups are performing on certain indicators of high school and college readiness. The early warning and support system shall

identify students who are at risk of leaving school prior to graduation and develop initiatives to support high school and college readiness and increase high school graduation rates. The initiatives may include:

- (A) College and career awareness;
- (B) Parent outreach and engagement;
- (C) Tutoring and mentoring for struggling learners, including the use of technology-based programs;
- (D) Transition programs for middle and high school (particularly grades 5 and 8);
- (E) Individualized learning plans; and
- (F) Data coaches.

(2) Two feeder school groups shall be comprised of mid-high-performing schools and 2 feeder school groups shall be comprised of low-performing schools.

(b) The data collected shall include for each student in grades 4 through 9 in a feeder school group:

- (1) The results of all standardized assessments, including the DC-CAS and DC-BAS;
- (2) Measures of behavior and attendance; and
- (3) Performance measures for math and English courses, including, at a minimum, mid-year and end-of-course grades.

(c) The Mayor shall implement the early warning and support system in 4 feeder school groups and may give priority to schools in which high school and college readiness initiatives developed pursuant to subsection (a)(1) of this section are in place.

(d)(1) Schools within each feeder school group are required to collaborate with each other and with the Mayor's office to ensure alignment of data collection.

(2) Individual student data collected through the early warning and support system shall be shared with participating feeder school groups and summarized data shall be shared with the public.

(e) The participating feeder school groups shall have access to additional funding that shall support new and existing initiatives to increase high school and college readiness and to increase high school graduation rates.

(f) Funding shall be prioritized for low-performing schools.

(June 19, 2012, D.C. Law 19-142, § 103, 59 DCR 3642.)

**Legislative history of Law 19-142.** — For history of Law 19-142, see notes under § 38-751.01.

## § 38-751.04. Survey.

The Mayor shall survey a sample of schools to identify existing initiatives used to support high school and college readiness and increase graduation rates. Results of the survey shall be submitted to the Council within 90 days of June 19, 2012.

(June 19, 2012, D.C. Law 19-142, § 104, 59 DCR 3642.)

**Legislative history of Law 19-142.** — For history of Law 19-142, see notes under § 38-751.01.

### § 38-751.05. Report.

(a) The Mayor shall create a report that shall include:

(1) School-level data collected through the early warning and support system for each participating feeder school group;

(2) Recommendations highlighting best practices to improve high school and college readiness and increase high school graduation rates among all schools, including the feeder school groups; and

(3) A plan to expand the early warning and support system to all schools within 3 years of June 19, 2012.

(b) The report shall be submitted to the Council one year after implementation of this subchapter.

(June 19, 2012, D.C. Law 19-142, § 105, 59 DCR 3642.)

**Legislative history of Law 19-142.** — For history of Law 19-142, see notes under § 38-751.01.

## *Subchapter II. Post-Secondary Preparation Plan.*

### § 38-752.01. Short title.

This subchapter may be cited as the “Post-Secondary Preparation Plan Act of 2012”.

(June 19, 2012, D.C. Law 19-142, § 201, 59 DCR 3642.)

**Legislative history of Law 19-142.** — For history of Law 19-142, see notes under § 38-751.01.

### § 38-752.02. Definitions.

For the purposes of this subchapter, the term:

(1) “Post-secondary institution” means an entity that awards an academic degree or professional certification, which may include a:

- (A) University;
- (B) College;
- (C) Seminary;
- (D) Vocational school;
- (E) Trade school; or
- (F) The military.

(2) “Public high school” means a public school or public charter school that provides instruction for students in the 9th through 12th grades.

(June 19, 2012, D.C. Law 19-142, § 202, 59 DCR 3642.)

**Legislative history of Law 19-142.** — For history of Law 19-142, see notes under § 38-751.01.

### § 38-752.03. Post-secondary preparation plan.

(a)(1) Beginning with the graduating class of 2014, the Mayor shall ensure that each public high school student applies to at least one post-secondary institution before graduation.

(2) The Mayor shall ensure that each public high school student participates in a program designed to provide students with information on applying to an appropriate post-secondary institution, including information on financial aid and other resources necessary to streamline a transition to a post-secondary institution. The program may include school-based and non-school-based resources.

(b) The Mayor shall issue a report that details the number of students that attend a post-secondary institution, including the number of students who attend each type, including:

- (1) Universities;
- (2) Colleges;
- (3) Vocational schools; and
- (4) Other post-secondary institutions.

(c) Beginning with the graduating class of 2014, the Mayor shall require that each student attending public high school takes the SAT or the American College Testing program before graduation.

(d) The Mayor may exempt a student from the requirements of subsections (a)(1) and (c) of this section, if the Mayor determines that it would constitute an undue hardship on the student.

(June 19, 2012, D.C. Law 19-142, § 203, 59 DCR 3642.)

**Legislative history of Law 19-142.** — For history of Law 19-142, see notes under § 38-751.01.

### *Subchapter III. Highly Effective Teacher Incentive.*

#### § 38-753.01. Short title.

This subchapter may be cited as the “Highly Effective Teacher Incentive Act of 2012”.

(June 19, 2012, D.C. Law 19-142, § 301, 59 DCR 3642.)

**Legislative history of Law 19-142.** — For history of Law 19-142, see notes under § 38-751.01.

#### § 38-753.02. Definitions.

For the purposes of this subchapter, the term:



(1) “DCPS” means the District of Columbia Public Schools established by § 38-171. The term “DCPS” does not include public charter schools.

(2) “High-need school” means:

(A) A DCPS school that has:

- (i) Been in operation for no fewer than 5 years;
- (ii) A minimum of 200 students;
- (iii) Forty percent or fewer of its students meeting proficiency on the District of Columbia Comprehensive Assessment System examination in both reading and math; and
- (iv) Seventy-five percent or more of its students qualify for free or reduced-price lunch; or

(B) A public charter school that:

- (i) Is a tier one or tier 2 school;
- (ii) Has been in operation for no fewer than 5 years; and
- (iii) Has a minimum of 200 students.

(3) “Highly effective teacher” means:

(A) A DCPS teacher who receives a rating of “highly effective” under the DCPS IMPACT evaluation system; or

(B) A public charter school teacher who receives a rating that meets the highly effective standard agreed upon by the Mayor and that public charter school.

(June 19, 2012, D.C. Law 19-142, § 302, 59 DCR 3642.)

**Legislative history of Law 19-142.** — For history of Law 19-142, see notes under § 38-751.01.

### § 38-753.03. Pilot incentive program.

(a)(1) There is established a pilot incentive program to encourage highly effective teachers to teach in high-need schools for the start of the 2013-2014 school year.

(2) The incentives shall include:

- (A) A one-time bonus of \$10,000;
- (B) Homebuyer and other housing assistance, including:
  - (i) Access to subsidized rental housing units;
  - (ii) Forgivable loans for a down payment of up to 10% of the median home price in the District; and
  - (iii) Access to low-interest mortgage loans;
- (C) An amount of up to \$5,000 to be expended on tuition assistance, which may include reimbursement for specific courses that lead to certification in high-demand subject areas, such as math and science, and loan-repayment assistance for existing education loans; and
- (D) An amount of up to \$3,000 to be used as income tax credits.

(3) The incentives shall not exceed the maximum allowable amounts over the 3-year period of the pilot program.

(b)(1)(A) The pilot program shall consist of 4 high-need schools. At least one of the schools shall be a tier one or tier 2 public charter school.

(B) At least 3, but not more than 5, teachers shall be selected for each school of the 4 schools in the pilot program.

(2) The Mayor shall establish a plan to implement the pilot program. The plan shall be submitted to the Council for review within 90 days of June 19, 2012. The plan shall include:

(A) A process for teachers to apply to the program;

(B) A process for selecting qualified applicants, which shall include a requirement that a teacher commit to serving a minimum of 3 years at a high-need school; and

(C) Guidelines for selecting high-need schools, which shall include schools that have:

(i) A proficiency in both reading and math of 40% or below; and

(ii) At least 75% or more of students who qualify for free or reduced-price lunch; and

(D) Guidelines for selecting highly effective teachers.

(3) For DCPS, highly effective teachers shall be selected according to IMPACT standards. For public charter schools, the Mayor shall work with each public charter school to develop the criteria for selecting highly effective teachers.

(June 19, 2012, D.C. Law 19-142, § 303, 59 DCR 3642.)

**Legislative history of Law 19-142.** — For history of Law 19-142, see notes under § 38-751.01.

## § 38-753.04. Report.

The Mayor shall provide a report by August 30th of each year in which the pilot program is in operation, which shall include:

(1) The number of teachers committed to continuing the pilot program for the following year;

(2) Feedback from the participating teachers regarding implementation of the pilot program and the incentives;

(3) An assessment of the effectiveness of the pilot program; and (4) Recommendations for improving the pilot program.

(June 19, 2012, D.C. Law 19-142, § 304, 59 DCR 3642.)

**Legislative history of Law 19-142.** — For history of Law 19-142, see notes under § 38-751.01.

## § 38-753.05. Expiration of subchapter.

This subchapter shall expire 3 years from June 19, 2012.

(June 19, 2012, D.C. Law 19-142, § 305, 59 DCR 3642.)

**Legislative history of Law 19-142.** — For history of Law 19-142, see notes under § 38-751.01.

*Subchapter IV. Community Schools Incentive.*

**§ 38-754.01. Short title.**

This subchapter may be cited as the “Community Schools Incentive Act of 2012”.

(June 19, 2012, D.C. Law 19-142, § 401, 59 DCR 3642.)

**Legislative history of Law 19-142.** — For history of Law 19-142, see notes under § 38-751.01.

**§ 38-754.02. Definitions.**

For the purposes of this subchapter, the term:

(1) “Community partner” means a provider of one or more eligible services.

(2) “Community school” means a public and private partnership to coordinate educational, developmental, family, health, and after-school-care programs during school and non-school hours for students, families, and local communities at a public school or public charter school with the objectives of improving academic achievement, reducing absenteeism, building stronger relationships between students, parents, and communities, and improving the skills, capacity, and well-being of the surrounding community residents.

(3) “Eligible consortium” means a partnership established between a local education agency and one or more community partners for purposes of establishing, operating, and sustaining a community school.

(4) “Eligible services” means:

(A) Primary medical and dental care that will be available to students and community residents;

(B) Mental health prevention and treatment services that will be available to students and community residents;

(C) Academic-enrichment activities designed to promote a student’s cognitive development and provide opportunities to practice and apply academic skills;

(D) Programs designed to increase attendance, including reducing early chronic absenteeism rates;

(E) Youth development programs designed to promote young people’s social, emotional, physical, and moral development, including arts, sports, physical fitness, youth leadership, community service, and service-learning opportunities;

(F) Early childhood education, including Head Start and Early Head Start programs;

(G) Programs designed to:

(i) Facilitate parental involvement in, and engagement with, their children’s education, including parental activities that involve supporting, monitoring, and advocating for their children’s education;

(ii) Promote parental leadership in the life of the school; and



(iii) Build parenting skills;

(H) School-age child-care services, including before-school and after-school services and full-day programming that operates during school holidays, summers, vacations, and weekends;

(I) Programs that provide assistance to students who have been truant, suspended, or expelled and that offer multiple pathways to high school graduation or General Educational Development completion;

(J) Youth and adult job-training services and career-counseling services;

(K) Nutrition-education services;

(L) Adult education, including instruction in English as a second language, adult literacy, computer literacy, financial literacy, and hard-skills training; or

(M) Programs that provide remedial education and enrichment activities.

(June 19, 2012, D.C. Law 19-142, § 402, 59 DCR 3642.)

**Section references.** — This section is referenced in § 38-754.03. history of Law 19-142, see notes under § 38-751.01.

**Legislative history of Law 19-142.** — For

### § 38-754.03. Administration of Community Schools Incentive Initiative.

(a) The Mayor shall establish and administer the multiyear Community Schools Incentive Initiative (“Incentive Initiative”) to award multiyear grants to incentivize the establishment of no fewer than 5 new community schools within one year of June 19, 2012, with priority given to schools that have:

(1) A focus on mental health prevention and treatment services and adult education and training; and

(2) A student population of which at least 75% of the students qualify for free or reduced-price lunch.

(b) The Mayor shall promote and encourage the use of public school and public charter school facilities by community and neighborhood groups.

(c) Within 60 days of June 19, 2012, the Mayor shall convene a Community Schools Advisory Committee that shall consist of:

(1) The Chancellor of the District of Columbia Public Schools, or designee;

(2) The Director of the Department of Parks and Recreation, or designee;

(3) The Director of the Department of Health, or designee;

(4) The Director of the Department of Employment Services, or designee;

(5) The President of the State Board of Education, or designee;

(6) The President of the University of the District of Columbia, or designee;

(7) The President of the University of the District of Columbia Community College, or designee;

(8) The Deputy Mayor for Education, or designee;

(9) Representatives from at least 4 community-based organizations;

(10) Representatives from at least 4 philanthropic or business organizations;

(11) The Director of the Public Charter School Board, or designee; and

(12) The directors of 2 public charter schools.

(d) The Community Schools Advisory Committee shall:

(1) Advise the Mayor on the development of the Incentive Initiative, including the development of a results-based framework and accompanying performance indicators with which to measure the success of the Incentive Initiative;

(2) Participate in the selection process for Incentive Initiative grantees;

(3) Develop recommendations on how all public schools can become centers of their communities by opening school facilities for nonprofit and community use;

(4) Identify potential funding sources for the provision of eligible services within the Incentive Initiative; and

(5) Develop yearly measurable performance goals to assess:

(A) How to increase the percentage of families and students receiving services for each year of the Incentive Initiative;

(B) The outcomes for students and families, particularly student academic achievement; and

(C) The number of public schools and public charter schools that have established formal relationships with community and neighborhood groups to use school facilities.

(e) Within 180 days of June 19, 2012, the Mayor shall establish a process for awarding grants of no more than \$200,000 a year to successful eligible consortiums and shall require that each application for an Incentive Initiative grant include:

(1) An assessment of the local school community and the neighborhood's needs and assets;

(2) A description of the proposed eligible consortium, including the type and number of community partners, as defined in § 38-754.02, and how the eligible consortium shall address the needs and build upon the assets of the community that the eligible consortium will serve;

(3) A proposed budget and narrative description of the proposed use of grant funds, which budget shall reflect a core concept of service coordination and integration and the narrative describe how the eligible consortium shall provide at least 4 additional eligible services that did not exist before the establishment of the eligible consortium;

(4) The identification of operational funding for eligible services and community partners; and

(5) A plan for the development of a community advisory board to include members of school leadership, school faculty, parents of school students, community leaders, community-based organizations, and other community members.

(f) The Mayor shall:

(1) Conduct periodic evaluations of the progress achieved with funds allocated under a grant, consistent with the purposes of this section;

(2) Use the evaluations to refine and improve activities conducted with the grant and the performance measures for the activities;

(3) Make the results of the evaluations publicly available, including providing public notice of the availability; and

(4) Identify best practices and lessons learned for the purpose of informing the District-wide community school policy.

(June 19, 2012, D.C. Law 19-142, § 403, 59 DCR 3642.)

**Legislative history of Law 19-142.** — For history of Law 19-142, see notes under § 38-751.01.

### § 38-754.04. Establishment of Community School Fund.

(a) There is established as a nonlapsing fund the Community Schools Fund (“Fund”). All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(b)(1) The Fund shall be used solely for the purposes of supporting schools designated as community schools.

(2) No more than 10% of the Fund shall be used to fund administrative costs associated with the operations of the Mayor; and

(3) The Fund shall be used to fund the planning and implementation of the Incentive Initiative grant program.

(c) The following monies shall be deposited into the Fund:

(1) Federal funds and grants;

(2) Local funds;

(3) Gifts; and

(4) Payments from public or private sources.

(June 19, 2012, D.C. Law 19-142, § 404, 59 DCR 3642.)

**Legislative history of Law 19-142.** — For history of Law 19-142, see notes under § 38-751.01.

## *Subchapter V. Early Childhood Education.*

### § 38-755.01. Short title.

This subchapter may be cited as the “Early Childhood Education Act of 2012”.

(June 19, 2012, D.C. Law 19-142, § 501, 59 DCR 3642.)

**Legislative history of Law 19-142.** — For history of Law 19-142, see notes under § 38-751.01.



§ 38-755.02. Definitions.

For the purposes of this subchapter, the term:

(1) “Chancellor” means the chief executive officer of the District of Columbia Public Schools appointed pursuant to § 38-174.

(2) “DCPS” means the District of Columbia Public Schools established by § 38-171.

(June 19, 2012, D.C. Law 19-142, § 502, 59 DCR 3642.)

**Legislative history of Law 19-142.** — For history of Law 19-142, see notes under § 38-751.01.

§ 38-755.03. Requirements and goals.

(a) To meet the academic achievement requirements and goals set forth in this section, the Chancellor shall:

- (1) Establish guidelines for academic achievement;
- (2) Develop and implement curricula; and
- (3) Ensure that DCPS staff and administrators are trained to implement the curricula established pursuant to paragraph (2) of this subsection to meet the goals set forth in subsection (b) of this section.

(b) The Chancellor shall be responsible for:

(1) Academic achievement goals, which shall include the reasonable expectation that all children:

(A) Three or 4 years of age in DCPS shall be properly prepared for entry and achievement in the DCPS kindergarten program; and

(B) In the 3rd grade, upon being promoted to the 4th grade, shall be able to read independently and to understand the fundamental of mathematics so that they can:

- (i) Add;
- (ii) Subtract;
- (iii) Multiply; and
- (iv) Divide; and

(2) Readiness goals, which shall include readiness evaluations for all children:

(A) Three or 4 years of age in DCPS, which shall be designed and implemented to measure the ability of a student entering the DCPS kindergarten program and to determine his or her readiness for entry and achievement in DCPS; and

(B) In kindergarten through 3rd grade in DCPS, which shall be designed and implemented to measure the reading and mathematical ability of a student entering a grade kindergarten through 3rd grade to determine the student’s readiness for entry and achievement in the relevant grade level.

(June 19, 2012, D.C. Law 19-142, § 503, 59 DCR 3642.)



**Legislative history of Law 19-142.** — For history of Law 19-142, see notes under § 38-751.01.

## § 38-755.04. Tracking and monitoring.

The Chancellor shall:

- (1) Track and monitor the preparedness of:
  - (A) The early childhood population of children 3 and 4 years of age to determine the children's readiness for entry and achievement in DCPS; and
  - (B) Children in kindergarten through 3rd grade in DCPS to determine their readiness for entry and achievement in the 4th grade;
- (2) Develop a plan to address:
  - (A) The early childhood population of children 3 and 4 years of age who are not ready for entry and achievement in DCPS; and
  - (B) Children in kindergarten through 3rd grade in DCPS who are not ready for entry and achievement in the 4th grade;
- (3) Conduct readiness evaluations annually to ascertain whether:
  - (A) Children 3 and 4 years of age are prepared for kindergarten; and
  - (B) Children in the 3rd grade are prepared to be promoted to the 4th grade; and
- (4) Submit to the Council and the Mayor, by October 1 of each year:
  - (A) The results of the readiness evaluations required by paragraph (3) of this section; and
  - (B) A DCPS annual report for the preceding academic year delineating the progress and readiness of all students.

(June 19, 2012, D.C. Law 19-142, § 504, 59 DCR 3642.)

**Legislative history of Law 19-142.** — For history of Law 19-142, see notes under § 38-751.01.

## *Subchapter VI. Rulemaking.*

## § 38-756.01. Rules.

- (a) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.], shall issue rules to implement the provisions of this chapter.
- (b) Each local education agency may advise the Mayor with respect to all proposed matters or rules issued pursuant to this chapter.

(June 19, 2012, D.C. Law 19-142, § 601, 59 DCR 3642.)

**Legislative history of Law 19-142.** — For history of Law 19-142, see notes under § 38-751.01.

*Subchapter VII: Applicability of Chapter.*

§ 38-757.01. **Applicability.**

- (a) This chapter shall apply through September 30, 2013.
  - (b) Beginning on October 1, 2013, this chapter shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.
- (June 19, 2012, D.C. Law 19-142, § 701, 59 DCR 3642; Sept. 20, 2012, D.C. Law 19-168, § 7009, 59 DCR 8025.)

**Effect of amendments.** — The 2012 amendment by D.C. Law 19-168 added the subsection (a) designation; substituted “through September 30, 2013” for “upon the inclusion of its fiscal effect in an approved budget and financial plan” in (a); and added (b).

**Emergency legislation.** — For temporary (90 day) amendment of section 701 of D.C. Law 19-345, see § 7009 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 7009 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-142.** — For

history of Law 19-142, see notes under § 38-751.01.

**Legislative history of Law 19-168.** — Law 19-168, the “Fiscal Year 2013 Budget Support Act of 2012,” was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

**Editor’s notes.** — Section 7016 of D.C. Law 19-168 provided that Sections 7001, 7004, 7007, 7009, 7011, and 7015 of the act shall apply as of June 19, 2012.

CHAPTER 8A. HEALTHY SCHOOLS.

- Subchapter I. Definitions; Establishment of Healthy Schools Fund*
- Sec.  
38-821.02. Establishment of the Healthy Schools Fund.
- Subchapter II. School Nutrition*
- 38-822.02. Nutritional standards for school meals.  
38-822.03. Additional requirements for public school meals.  
38-822.04. Central kitchen.  
38-822.05. Public disclosure.  
38-822.06. Healthy vending, fundraising, and prizes in public schools.
- Subchapter III. Farm-to-School Program*
- 38-823.01a. Comprehensive food services plan.

- Sec.  
38-823.03. Mandatory reporting.
- Subchapter IV. Physical and Health Education*
- 38-824.02a. Interscholastic athletics plan.
- Subchapter V. Environment*
- 38-825.01. Environmental programs office.  
38-825.03. School Gardens Program.
- Subchapter VI. Health and Wellness*
- 38-826.02. School health profiles.  
38-826.03. School health centers.
- Subchapter VII. Healthy Youth and Schools Commission*
- 38-827.01. Establishment of the Healthy Youth and Schools Commission.

*Subchapter I. Definitions; Establishment of Healthy Schools Fund.*

**§ 38-821.02. Establishment of the Healthy Schools Fund.**

(a) There is established as a nonlapsing fund the Healthy Schools Fund ("Fund"), which shall be used solely as provided in subsection (c) of this section and administered by the Office of the State Superintendent of Education. The Fund shall be funded by annual appropriations, which shall be deposited into the Fund.

(b) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (c) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(c) The funds in the Fund shall be used as follows:

(1) To provide additional funding for healthy school meals, the Office of the State Superintendent of Education shall reimburse public schools, public charter schools, participating private schools, and organizations participating in the Summer Food Service Program as follows:

(A) Ten cents for each breakfast meal served that meets the requirements of §§ 38-822.02 and 38-822.03; and

(B) Ten cents for each lunch meal served that meets the requirements of §§ 38-822.02 and 38-822.03.

(2) Repealed.

(3) To eliminate the reduced-price copayment under § 38-822.03(b)(1), the Office of the State Superintendent of Education shall reimburse public schools, public charter schools, and participating private schools 40 cents for each lunch meal that meets the requirements of §§ 38-822.02 and 38-822.03 and is served to students who qualify for reduced-price meals.

(4) To provide resources to implement the breakfast-in-the-classroom program under § 38-822.03(a)(2), the Office of the State Superintendent of Education shall provide a one-time subsidy of \$7 per student to new public schools, new public charter schools, and new private schools that have not previously received the funds and that participate in the National School Lunch Program, in which more than 40% of students qualify for free or reduced-price meals.

(5)(A) To encourage local foods to be served in schools, the Office of the State Superintendent of Education shall provide an additional 5 cents per day reimbursement to public schools, public charter schools, and participating private schools when at least one component of a reimbursable breakfast or lunch meal is comprised entirely of locally grown and unprocessed foods; provided, that the schools report the name and address of the farms where the locally grown foods were grown to the Office of the State Superintendent of Education.

(B) For the purposes of this paragraph, the term "locally grown and unprocessed foods" shall not include milk.



(6) To increase physical activity in schools, the Office of the State Superintendent of Education shall make grants available, subject to the availability of funds in the Fund, through a competitive process to public schools and public charter schools; provided, that schools shall meet the requirements of § 38-824.02 and seek to increase the amount of physical activity in which their students engage.

(7) To support school gardens, the Office of the State Superintendent of Education shall make grants available, subject to the availability of funds in the Fund, through a competitive process to public schools, public charter schools, and other organizations.

(d) The Office of the State Superintendent of Education may, by rule, increase the amounts, as set forth in subsection (c) of this section, to further improve the quality and nutrition of school meals.

(e) The Office of the State Superintendent of Education may withhold local funds provided by subsection (c) of this section from public schools and public charter schools that do not meet any or all of the requirements of §§ 38-822.02, 38-822.03, 38-822.05, and 38-822.06.

(f) Beginning on October 1, 2011, an amount of \$4,266,000 from the revenues derived from the collection of the tax imposed upon all vendors by § 47-2002 shall be deposited annually into the Fund.

(g) All excess monies remaining in the Fund at the end of a fiscal year shall be administered by the Office of the State Superintendent of Education for the purposes set forth in subsection (c)(6) and (7) of this section, and to further improve health, wellness, and nutrition in schools.

(July 27, 2010, D.C. Law 18-209, § 102, 57 DCR 4779; Apr. 8, 2011, D.C. Law 18-370, § 412, 58 DCR 1008; Sept. 14, 2011, D.C. Law 19-21, § 4012, 58 DCR 6226; Oct. 20, 2011, D.C. Law 19-37, § 2(b), 58 DCR 6841; Sept. 20, 2012, D.C. Law 19-168, § 4062(a), 59 DCR 8025.)

**Section references.** — This section is referenced in § 38-821.01.

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-168 added “and organizations participating in the Summer Food Service Program” in the introductory language of (c)(1); added “that meets the requirements of §§ 38-822.02 and 38-822.03 and is” in (c)(3); in (c)(4), substituted “§ 38-822.03(a)(2)” for “§ 38-822.03(a)(2), for the 2010-2011 school year,” added “a onetime subsidy of,” and substituted “new public schools, new public charter schools, and new private schools that have not previously received the funds and that participate” for “public schools and public charter schools participating”; added “any or all of” in (e); and added “and to further improve health, wellness, and nutrition in schools” in (g).

**Emergency legislation.**

For temporary (90 day) amendment of sec-

tion, see § 4062(a) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 4062(a) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-168.** — Law 19-168, the “Fiscal Year 2013 Budget Support Act of 2012,” was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

**Editor’s notes.** — Section 4063 of D.C. Law 19-168 provided that § 4062 of the act shall apply as of June 20, 2012.



*Subchapter II. School Nutrition.***§ 38-822.02. Nutritional standards for school meals.**

(a) All breakfast, lunch, after-school snacks and suppers, and summer meals served to students in public schools, public charter schools, and participating private schools or by organizations participating in the Afterschool Meal Program or the Summer Food Service Program shall meet or exceed the federal nutritional standards set forth in:

(1) The Child Nutrition Act of 1996, approved October 11, 1996 (80 Stat. 885; 42 U.S.C. § 1771 et seq.);

(2) The Richard B. Russell National School Lunch Act, approved June 4, 1946 (60 Stat. 230; 42 U.S.C. § 1751 et seq.);

(3) 7 C.F.R. Parts 210, 215, 220, 225, and 226; and

(4) Other applicable federal law.

(b) In addition to the requirements of subsection (a) of this section, breakfast, lunch, after-school snacks and suppers, and summer meals served to students in public schools, public charter schools, and participating private schools or by organizations participating in the Afterschool Meal Program or the Summer Food Service Program shall meet or exceed:

(1) The following nutritional requirements per serving:

(A) Saturated fat: Fewer than 10% of total calories;

(B) Trans fat: Zero grams; and

(C)(i) Sodium:

(I) For breakfast meals:

(aa) Less than 430 milligrams for Grades Kindergarten through 5;

(bb) Less than 470 milligrams for Grades 6 through 8; and

(cc) Less than 500 milligrams for Grades 9 through 12; and

(II) For lunch meals:

(aa) Less than 640 milligrams for Grades Kindergarten through 5;

(bb) Less than 710 milligrams for Grades 6 through 8; and

(cc) Less than 740 milligrams for Grades 9 through 12.

(ii) The requirements of this subparagraph shall not apply until July 1, 2022; provided, that public schools, public charter schools, and participating private schools shall gradually reduce the amount of sodium served in school meals; and

(2) The serving requirements of the United State Department of Agriculture's HealthierUS School Challenge program at the Gold Award Level for vegetables, fruits, whole grains, milk, and other foods served in school meals, as may be revised from time to time, notwithstanding any termination of the program.

(c) The Office of the State Superintendent of Education may adopt standards that exceed the requirements of this section.

(July 27, 2010, D.C. Law 18-209, § 202, 57 DCR 4779; Oct. 20, 2011, D.C. Law 19-37, § 2(d), 58 DCR 6841; Sept. 20, 2012, D.C. Law 19-168, § 4062(b), 59 DCR 8025.)

**Section references.** — This section is referenced in § 38-821.02.

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-168 substituted “July 1, 2022” for “August 1, 2020” in (b)(1)(C)(ii).

**Emergency legislation.**

For temporary (90 day) amendment of section, see § 4062(b) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 4062(b) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-168.** — See note to § 38-821.02.

**Editor’s notes.** — Section 4063 of D.C. Law 19-168 provided that § 4062 of the act shall apply as of June 20, 2012.

## § 38-822.03. Additional requirements for public school meals.

(a)(1) Public schools, public charter schools, and participating private schools shall offer free breakfast to all students.

(2) If more than 40% of the students at a school qualify for free or reduced-price meals:

(A) A public elementary school, public charter elementary school, and participating private elementary school shall offer breakfast in the classroom each day;

(B) A public middle and high school, public charter middle and high school, and participating private middle and high school shall offer alternative serving models, such as breakfast in the classroom or grab-and-go carts, in one or more locations with high student traffic, other than the cafeteria, each day to increase breakfast participation; and

(C) The requirements of this paragraph shall not apply to a public school or a public charter school in which the school’s current breakfast participation rate, without breakfast-in-the-classroom, exceeds 75% of its average daily attendance.

(b) Public schools, public charter schools, and participating private schools shall:

(1) Not charge students for meals if the students qualify for reduced-price meals;

(2) Provide meals that meet the dietary needs of children with diagnosed medical conditions as required by a physician;

(3) Solicit input from students, faculty, and parents, through taste tests, comment boxes, surveys, a student nutrition advisory council, or other means, regarding nutritious meals that appeal to students;

(4) Promote healthy eating to students, faculty, staff, and parents;

(5) Provide at least 30 minutes for students to eat lunch and sufficient time during the lunch period for every student to pass through the food service line; and

(6) Participate in federal nutritional and commodity foods programs whenever possible.

(c) Public schools, public charter schools, and participating private schools shall make cold, filtered water available free to students, through water fountains or other means, when meals are served to students in public schools, public charter schools, and participating private schools.

(July 27, 2010, D.C. Law 18-209, § 203, 57 DCR 4779; Oct. 20, 2011, D.C. Law 19-37, § 2(e), 58 DCR 6841; Sept. 20, 2012, D.C. Law 19-168, § 4062(c), 59 DCR 8025.)

**Section references.** — This section is referenced in § 38-821.02.

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-168 substituted “shall make” for “are encouraged to make” in (c).

**Emergency legislation.**

For temporary (90 day) amendment of section, see § 4062(c) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 4062(c) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-168.** — See note to § 38-821.02.

**Editor’s notes.** — Section 4063 of D.C. Law 19-168 provided that § 4062 of the act shall apply as of June 20, 2012.

## § 38-822.04. Central kitchen.

(a) The District of Columbia Public Schools shall establish a central facility in the District to:

- (1) Prepare, process, grow, and store healthy and nutritious foods for schools and nonprofit organizations;
- (2) Support nutrition education programs; and
- (3) Provide job-training programs for students and District residents.

(b) The District of Columbia Public Schools shall provide reasonable access to charter schools that wish to use the facility.

(c) The Department of General Services shall assist the District of Columbia Public Schools in selecting real property for the facility and the Office of Public Education Facilities Modernization shall convert the real property into the facility.

(d) On or before December 31 of each year until the project is completed, the District of Columbia Public Schools, in consultation with the Department of General Services, shall issue a report to the Mayor, the Council, and the Healthy Schools and Youth Commission documenting progress on the development of the central kitchen.

(July 27, 2010, D.C. Law 18-209, § 204, 57 DCR 4779; Oct. 20, 2011, D.C. Law 19-37, § 2(f), 58 DCR 6841; Sept. 20, 2012, D.C. Law 19-168, § 4062(d), 59 DCR 8025.)

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-168 substituted “Department of General Services” for “Department of Real Estate Services” in (c).

**Emergency legislation.**

For temporary (90 day) amendment of section, see § 4062(d) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of sec-

tion, see § 4062(d) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-168.** — See note to § 38-821.02.

**Editor’s notes.** — Section 4063 of D.C. Law 19-168 provided that § 4062 of the act shall apply as of June 20, 2012.



§ 38-822.05. Public disclosure.

(a) Food service providers shall provide the following information to public schools, public charter schools, and participating private schools:

- (1) The menu for each breakfast and lunch meal served;
- (2) The nutritional content of each menu item;
- (3) The ingredients for each menu item if requested by parents and legal guardians; and
- (4) The location where fruits and vegetables served in schools are grown and processed and whether growers are engaged in sustainable agriculture practices.

(b)(1) Public schools, public charter schools, and participating private schools shall provide the information provided to them under subsection (a) of this section:

- (A) In the school's office;
- (B) Online, if the school has a website; and
- (C) To parents and legal guardians upon request

(2) Public schools, public charter schools, and participating private schools shall inform families that vegetarian food options and milk alternatives are available upon request.

(c) This section shall apply as of January 1, 2012.

(July 27, 2010, D.C. Law 18-209, § 205, 57 DCR 4779; Oct. 20, 2011, D.C. Law 19-37, § 2(g), 58 DCR 6841; Sept. 20, 2012, D.C. Law 19-168, § 4062(e), 59 DCR 8025.)

**Section references.** — This section is referenced in § 38-821.02 and § 38-826.02.

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-168 added "if requested by parents and legal guardians" in (a)(3); substituted "shall provide" for "shall post" in the introductory language of (b)(1); added the comma following "Online" in (b)(1)(B); added (b)(1)(C); and made related changes.

**Emergency legislation.**

For temporary (90 day) amendment of section, see § 4062(e) of Fiscal Year 2013 Budget

Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 4062(e) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-168.** — See note to § 38-821.02.

**Editor's notes.** — Section 4063 of D.C. Law 19-168 provided that § 4062 of the act shall apply as of June 20, 2012.

§ 38-822.06. Healthy vending, fundraising, and prizes in public schools.

(a) Except as provided by subsection (b) of this section, all beverages and snack foods provided by or sold in public schools, public charter schools, and participating private schools or provided by organizations participating in the Afterschool Meal Program, whether through vending machines, fundraisers, snacks, after-school meals, or other means, shall meet the requirements of the United States Department of Agriculture's HealthierUS School Challenge program at the Gold Award Level for competitive foods, as may be revised from time to time and notwithstanding any termination of the HealthierUS School Challenge program.



(b) The requirements of subsection (a) of this section shall not apply to:

- (1) Food and drinks available only to faculty and staff members; provided, that school employees shall be encouraged to model healthy eating;
- (2) Food provided at no cost by parents;
- (3) Food sold or provided at official after-school events;
- (4) Adult education programs; and
- (5) Food not consumed or marketed to students.

(c) The Office of the State Superintendent of Education may adopt standards that exceed the requirements set forth in subsections (a) and (b) of this section.

(d) Foods and beverages sold in public school, public charter school, and participating private schools stores shall meet the requirements of subsection (a) of this section.

(e) Public schools, public charter school, and participating private schools shall not permit third parties, other than school-related organizations and school meal service providers, to sell foods or beverages of any type to students on school property from 90 minutes before the school day begins until 90 minutes after the school day ends.

(f) Foods and beverages that do not meet the nutritional requirements of subsection (a) of this section shall not be:

- (1) Used as incentives, prizes, or awards in public schools or public charter schools; or
- (2) Advertised or marketed in public schools and public charter schools through posters, signs, book covers, scoreboards, supplies, equipment, or other means.

(g) After first issuing a warning, the Office of the State Superintendent of Education may impose a penalty, not to exceed \$500 per day paid to the Healthy Schools Fund, on public schools and public charter schools that violate this section, subject to the right to a hearing requested within 10 days after the notice of imposition of the penalty is sent.

(July 27, 2010, D.C. Law 18-209, § 206, 57 DCR 4779; Oct. 20, 2011, D.C. Law 19-37, § 2(h), 58 DCR 6841; Sept. 20, 2012, D.C. Law 19-168, § 4062(f), 59 DCR 8025.)

**Section references.** — This section is referenced in § 38-821.02.

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-168 added (b)(5); and made related changes.

**Emergency legislation.**

For temporary (90 day) amendment of section, see § 4062(f) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 4062(f) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-168.** — See note to § 38-821.02.

**Editor's notes.** — Section 4063 of D.C. Law 19-168 provided that § 4062 of the act shall apply as of June 20, 2012.

*Subchapter III. Farm-to-School Program.*

**§ 38-823.01. Local food sourcing, reimbursement, and education.**

**Section references.** — This section is referenced in § 38-826.02.

**Emergency legislation.** — For temporary (90 day) addition of section, see § 4062(g) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) addition of section, see § 4062(g) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**§ 38-823.01a. Comprehensive food services plan.**

(a) Before February 15, 2013, the City Administrator shall transmit to the Council and to the Healthy Schools and Youth Commission a comprehensive food services plan that shall include:

(1) A plan to reduce the cost of providing food services in the District of Columbia Public Schools (“DCPS”), without reducing the quality, taste, or nutritional standards of the food being served, including an:

(A) Examination of how similar jurisdictions provide food services in schools;

(B) Explanation of the cost drivers in the DCPS food services program;

(C) Accounting of:

(i) The local funds subsidies (net losses) required by federal programs for each year since fiscal year 2007, including the total subsidy per year and the subsidy per meal served per year;

(ii) Whether the District has received all of the rebates, credits, and other funds owed by its current food-service vendors;

(D) An evaluation of whether preparing meals internally without an outside vendor would reduce costs; and

(E) An implementation plan and timeline for the DCPS food services program to become cost-neutral;

(2) An analysis of the efficiencies and savings that could be gained by combining the food services programs in:

(A) The Department of Corrections;

(B) The Department of Human Services;

(C) The Department of Mental Health;

(D) The Department of Parks and Recreation;

(E) The District of Columbia Public Schools;

(F) The Office of Aging; and

(G) Other agencies;

(3) An analysis of whether a centralized food services program could offer public charter schools the opportunity to purchase meals from it, instead of from a private vendor; and

(4) An analysis of how the District’s food service programs can become more sustainable.

(b) The City Administrator shall be assisted in preparing the plan required by subsection (a) of this section by the:

- (1) District of Columbia Public Schools;
- (2) Office of the State Superintendent of Education;
- (3) Department of General Services;
- (4) Mayor's Office of Budget and Finance;
- (5) Council's Budget Office;
- (6) Office of the Chief Financial Officer; and
- (7) City Administrator.

(July 27, 2010, D.C. Law 18-209, § 301a, as added Sept. 20, 2012, D.C. Law 19-168, § 4062(g), 59 DCR 8025.)

**Effect of amendments.** — The 2012 amendment by D.C. Law 19-168 added this section.

**Emergency legislation.** — For temporary addition of section, see § 4062(g) of the Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413,

July 25, 2012, 59 DCR 9290), applicable as of June 20, 2012.

**Legislative history of Law 19-168.** — See note to § 38-821.02.

**Editor's notes.** — Section 4063 of D.C. Law 19-168 provided that § 4062 of the act shall apply as of June 20, 2012.

### § 38-823.03. Mandatory reporting.

On or before June 30 of each year, the Office of the State Superintendent of Education shall submit to the Mayor, the Council, and the Healthy Schools and Youth Commission a comprehensive report on the District's farm-to-school initiatives and recommendations for improvement.

(July 27, 2010, D.C. Law 18-209, § 303, 57 DCR 4779; Sept. 20, 2012, D.C. Law 19-168, § 4062(h), 59 DCR 8025.)

**Effect of amendments.** — The 2012 amendment by D.C. Law 19-168 substituted "June 30" for "September 30."

**Emergency legislation.** — For temporary (90 day) amendment of section, see § 4062(h) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of sec-

tion, see § 4062(h) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-168.** — See note to § 38-821.02.

**Editor's notes.** — Section 4063 of D.C. Law 19-168 provided that § 4062 of the act shall apply as of June 20, 2012.

## *Subchapter IV. Physical and Health Education.*

### § 38-824.02. Physical and health education requirements.

**Section references.** — This section is referenced in § 38-821.02.

**Emergency legislation.** — For temporary (90 day) addition of section, see § 4062(i) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) addition of section, see § 4062(i) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

### § 38-824.02a. Interscholastic athletics plan.

(a) On or before February 15, 2013, the Office of the State Superintendent of Education shall transmit to the Council a strategic plan for increasing access



to, participation in, and the quality of an interscholastic athletics program in District of Columbia Public Schools and public charter schools by the 2014-2015 school year.

(b) The strategic plan shall include a description of:

(1) The level of programs needed to ensure greater access to interscholastic athletics;

(2) The resources required to operate a robust interscholastic athletics program throughout the public schools;

(3) How District facilities may be better utilized to provide for interscholastic athletics; and

(4) The effect of a robust athletics program on student health and community involvement.

(July 27, 2010, D.C. Law 18-209, § 402a, as added Sept. 20, 2012, D.C. Law 19-168, § 4062(i), 59 DCR 8025.)

**Effect of amendments.** — The 2012 amendment by D.C. Law 19-168 added this section.

**Emergency legislation.** — For temporary addition of section, see § 4062(i) of the Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413,

July 25, 2012, 59 DCR 9290), applicable as of June 20, 2012.

**Legislative history of Law 19-168.** — See note to § 38-821.02.

**Editor's notes.** — Section 4063 of D.C. Law 19-168 provided that § 4062 of the act shall apply as of June 20, 2012.

### *Subchapter V. Environment.*

## § 38-825.01. Environmental programs office.

(a)(1) An environmental programs office is established in the Department of General Services and shall:

(A) Contract with vendors to recycle all materials required by District law at all public schools, including food services, by December 31, 2010, and provide technical assistance to public charter schools about recycling.

(B) Develop a master recycling plan for public schools on or before December 31, 2011 to reach a system-wide diversion rate of 45% by August 1, 2015;

(C) Analyze utility usage at each public school and develop a plan to reduce that amount by 20% on or before August 1, 2015;

(D) Establish an integrated pest management program;

(E) Test drinking water in public schools for lead and promptly take any remedial action required;

(F) Comply with the Environmental Protection Agency's Lead; Renovation, Repair, and Painting Program, established by 40 C.F.R. Part 745;

(G) Post the results of its environmental testing online;

(H) Promote the Environmental Protection Agency's Indoor Air Quality Tools for Schools Program to reduce exposure to environmental factors that impact asthma among children and adults in public schools;

(I) Develop an electronic recycling policy for public schools on or before December 31, 2011; and



(J) Establish a composting program in the District of Columbia Public Schools.

(2) The contracts under paragraph (1)(A) of this subsection shall be negotiated to provide a financial incentive to reduce the amount of waste created in public schools and, when possible, to increase diversion rates in public schools;

(b) The District of Columbia Public Schools shall:

(1) Use environmentally friendly cleaning supplies in public schools; provided, that the agency may exhaust its current supply of conventional cleaners; and

(2) Prepare and transmit to the Mayor, the Council, and the Healthy Schools and Youth Commission, on or before December 31, 2012, a plan to use sustainable products in serving meals to students.

(c) On or before December 31, 2012, the Mayor shall prepare and transmit to the Council a comprehensive report describing the implementation of recycling, composting, energy-reduction, pest management, air quality, and environmentally friendly cleaning supplies programs in public schools. The report shall include:

(1) A thorough, school-by-school breakdown of the waste stream in public schools, including tonnages, components, and diversion rates;

(2) Baseline energy usage, an analysis of usage patterns, and savings achieved;

(3) Recommendations and a timeline for further implementing these programs; and

(4) A proposal for recognizing and rewarding schools that significantly improve their environmental portfolio.

(July 27, 2010, D.C. Law 18-209, § 501, 57 DCR 4779; Oct. 20, 2011, D.C. Law 19-37, § 2(i), 58 DCR 6841; Sept. 20, 2012, D.C. Law 19-168, § 4062(j), 59 DCR 8025.)

#### **Effect of amendments.**

The 2012 amendment by D.C. Law 19-168 substituted “Department of General Services” for “Office of Public Education Facilities Modernization” in the introductory language of (a)(1); added (a)(1)(J); substituted “December 31, 2012” for “December 31, 2010” in (b)(2); substituted “December 31, 2012” for “December 31, 2011” in the first sentence of the introductory language of (c); and made related changes.

#### **Emergency legislation.**

For temporary (90 day) amendment of section, see § 4062(j) of Fiscal Year 2013 Budget

Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 4062(j) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-168.** — See note to § 38-821.02.

**Editor’s notes.** — Section 4063 of D.C. Law 19-168 provided that § 4062 of the act shall apply as of June 20, 2012.

### **§ 38-825.03. School Gardens Program.**

(a) A School Gardens Program is established within the Office of the State Superintendent of Education. The School Gardens Program shall:

(1) Coordinate the efforts of community organizations, the Department of Parks and Recreation, the District Department of the Environment, the

District of Columbia Public Schools, the Department of General Services, the Public Charter School Board, and the University System of the District of Columbia to establish gardens as integral components of public schools and public charter schools;

(2) Complement the Food Production and Urban Gardens Program, established by § 48-402;

(3) Establish and convene a Garden Advisory Committee, composed of community organizations, District government agencies, and other interested persons;

(4) Collect data on the location and types of gardens in public schools and public charter schools;

(5) Provide horticultural guidance and technical assistance to public schools and public charter schools;

(6) Coordinate curricula for school gardens and related projects;

(7) Provide training, support, and assistance to gardens in public schools and public charter schools; and

(8) Assist public schools and public charter schools in receiving certification as U.S. Department of Education Green Ribbon Schools.

(b) On or before June 30, 2012, the School Gardens Program shall issue a report to the Mayor, the Council, and the Healthy Schools and Youth Commission about the state of school gardens in the District of Columbia, plans for expanding them, and recommendations for improving the program.

(c) The University of the District of Columbia shall assist the School Gardens Program by providing technical expertise, curricula, and soil testing for school gardens.

(d) As permitted by federal law, when tests show that the soil is safe and when produce is handled safely, produce grown in school gardens may be identified and served to students at the school, including in the cafeteria. Produce grown in school gardens may be sold and the proceeds from such sales shall be expended for the benefit of the public school where the produce was grown.

(e) School gardens shall include a demonstration compost pile when feasible.

(July 27, 2010, D.C. Law 18-209, § 503, 57 DCR 4779; Oct. 20, 2011, D.C. Law 19-37, § 2(k), 58 DCR 6841; Sept. 20, 2012, D.C. Law 19-168, § 4062(k), 59 DCR 8025.)

**Section references.** — This section is referenced in § 38-826.02.

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-168 substituted “Department of General Services” for “Office of Public Education Facilities Modernization” in (a)(1).

**Emergency legislation.**

For temporary (90 day) amendment of section, see § 4062(k) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 4062(k) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-168.** — See note to § 38-821.02.

**Editor’s notes.** — Section 4063 of D.C. Law 19-168 provided that § 4062 of the act shall apply as of June 20, 2012.

*Subchapter VI. Health and Wellness.***§ 38-826.02. School health profiles.**

(a) On or before February 15 of each year, each public school and public charter school shall submit the following information to the Office of the State Superintendent of Education regarding each of its campuses:

(1) Health programs:

- (A) Whether the school has full-time, part-time, or no nurse coverage;
- (B) The name and contact information of the school's nurse;
- (C) Whether the school has a school-based mental health program or offers similar services on site;
- (D) Whether there is a certified or highly qualified health teacher on staff; and
- (E) Whether there is a school-based health center;

(2) Nutrition programs:

- (A) The name of the school's food service vendor;
- (B) Whether the school's meals meet the nutritional standards required by federal and District law;
- (C) Where the information required by § 38-822.05 can be found;
- (D) Whether the school participates in the farm-to-school program under § 38-823.01;
- (E) Whether the school participates in the School Gardens Program under § 38-825.03;
- (F) The number of students qualifying for free, reduced-price, and paid meals;

(G) For the most recent November, the average daily participation in the national school breakfast and school lunch programs with breakdowns for the number of free, reduced-price, and paid students participating in school breakfast and lunch programs on an average daily basis;

(H) Whether the school participates in Afterschool Meal Snack and Supper Program and if so, the number of children served snacks and suppers on an average daily basis;

(I) For elementary schools, whether the school participates in the Fresh Fruit and Vegetable Snack Program;

(J) Whether the school participates in D.C. Free Summer Meals Program and if so, the number of breakfasts, lunches, suppers, and snacks served on an average daily basis the preceding summer;

(K) Whether the schools has vending machines and if so, how many vending machines, the hours of operation of said vending machines, and what items are sold from the machines; and

(L) Whether the school has a school store and if so, what food and beverages are sold and the hours of operation;

(3) Physical and health education:

- (A) The average amount of weekly physical education that students receive in each grade;
- (B) The average amount of weekly health education that students receive in each grade; and



(C) How the school promotes physical activity;

(4) Wellness policy:

(A) Whether the school is in compliance with its local wellness policy; and

(B) Where a copy of the school's local wellness policy can be found.

(b) The Office of the State Superintendent of Education may change the information, as set forth in subsection (a) of this section, to be included in the healthy schools profile form.

(c) On or before January 15 of each year, each public school and public charter school shall post the information required by subsection (a) of this section online if the school has a website and make the form available to parents in its office.

(d) The Office of the State Superintendent of Education shall post the information required by subsection (a) of this section on its website within 30 days of receipt.

(July 27, 2010, D.C. Law 18-209, § 602, 57 DCR 4779; Oct. 20, 2011, D.C. Law 19-37, § 2(l), 58 DCR 6841; Sept. 20, 2012, D.C. Law 19-168, § 4062(m), 59 DCR 8025; Sept. 26, 2012, D.C. Law 19-171, § 94, 59 DCR 6190.)

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-168 substituted "30 days" for "14 days" in (d).

The 2012 amendment by D.C. Law 19-171 substituted "Whether the school" for "Whether your school" in (a)(2)(H) through (a)(2)(L).

**Emergency legislation.**

For temporary (90 day) amendment of section, see § 4062(m) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 4062(m) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-168.** — See note to § 38-821.02.

**Legislative history of Law 19-171.** — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

**Editor's notes.** — Section 4063 of D.C. Law 19-168 provided that § 4062 of the act shall apply as of June 20, 2012.

§ 38-826.03. School health centers.

(a) The Department of Health, in conjunction with the Department of Healthcare Finance, the District of Columbia Public Schools, the Department of General Services, and the Public Charter School Board, shall develop a plan to establish and operate school health centers in public schools and public charter schools on or before December 31, 2015.

(b) The plan shall include the following:

(1) A needs assessment to determine where school health centers shall be located, including a justification for any determination that a school health center is not needed at a public high school; and

(2) A proposal for financial sustainability for the school health centers.

(c) The plan shall be submitted to the Mayor, the Council, and the Healthy Schools and Youth Commission on or before December 31, 2012.

(July 27, 2010, D.C. Law 18-209, § 603, 57 DCR 4779; Oct. 20, 2011, D.C. Law



19-37, § 2(m), 58 DCR 6841; Sept. 20, 2012, D.C. Law 19-168, § 4062(l), 59 DCR 8025.)

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-168 substituted “Department of General Services” for “Office of Public Education Facilities Modernization” in (a); and substituted “December 31, 2012” for “December 31, 2011” in (c).

**Emergency legislation.**

For temporary (90 day) amendment of section, see § 4062(l) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 4062(l) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-168.** — See note to § 38-821.02.

**Editor’s notes.** — Section 4063 of D.C. Law 19-168 provided that § 4062 of the act shall apply as of June 20, 2012.

*Subchapter VII. Healthy Youth and Schools Commission.*

**§ 38-827.01. Establishment of the Healthy Youth and Schools Commission.**

(a) There is established the Healthy Youth and Schools Commission with the purpose of advising the Mayor and the Council on health, wellness, and nutritional issues concerning youth and schools in the District, including:

- (1) School meals;
- (2) Farm-to-school programs;
- (3) Physical activity and physical education;
- (4) Health education;
- (5) Environmental programs;
- (6) School gardens;
- (7) Sexual health programming;
- (8) Chronic disease prevention;
- (9) Emotional, social, and mental health services;
- (10) Substance abuse; and
- (11) Violence prevention.

(b) Specific functions of the Commission shall include the following:

- (1) Advising on the operations of all District health, wellness, and nutrition programs;
- (2) Reviewing and advising on the best practices in health, wellness, and nutrition programs across the United States;
- (3) Recommending standards, or revisions to existing standards, concerning the health, wellness, and nutrition of youth and schools in the District;
- (4) Advising on the development of an ongoing program of public information and outreach programs on health, wellness, and nutrition;
- (5) Making recommendations on enhancing the collaborative relationship between the District government, the federal government, the University of the District of Columbia, local nonprofit organizations, colleges and universities, and the private sector in connection with health, wellness, and nutrition;
- (6) Identifying gaps in funding and services, or methods of expanding services to District residents; and
- (7) Engaging students in improving health, wellness, and nutrition in schools.

(c) On or before November 30 of each year, the Commission shall submit to the Mayor and the Council a comprehensive report on the health, wellness, and nutrition of youth and schools in the District. The report shall:

- (1) Explain the efforts made within the preceding year to improve the health, wellness, and nutrition of youth and schools in the District;
- (2) Discuss the steps that other states have taken to address the health, wellness, and nutrition of youth and schools; and
- (3) Make recommendations about how to further improve the health, wellness, and nutrition of youth and schools in the District.

(July 27, 2010, D.C. Law 18-209, § 701, 57 DCR 4779; Sept. 20, 2012, D.C. Law 19-168, § 4062(n), 59 DCR 8025.)

**Section references.** — This section is referenced in § 38-821.01.

**Effect of amendments.** — The 2012 amendment by D.C. Law 19-168 substituted “November 30” for “September 30” in the first sentence of the introductory language of (c).

**Emergency legislation.** — For temporary (90 day) amendment of section, see § 4062(n) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 4062(n) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-168.** — See note to § 38-821.02.

**Editor’s notes.** — Section 4063 of D.C. Law 19-168 provided that § 4062 of the act shall apply as of June 20, 2012.

---

## SUBTITLE II. PUBLIC EDUCATION — ADULT AND COMMUNITY.

---

### CHAPTER 10. FEES FOR SELECT ADULT, COMMUNITY, AND CONTINUING EDUCATION COURSES.

#### § 38-1003. Accountability for funds received.

**Temporary legislation.** — Sections 2 and 3 of D.C. Law 19-199 established a task force to develop a city-wide strategic plan for career and technical education programs in the District, to read as follows:

“Section 2. Definitions. For the purposes of this act, the term:

“(1) ‘Career cluster’ means a non-duplicative, sequential CTE course of study recognized by the U.S. Department of Education and approved by the Office of the State Superintendent of Education and the respective industry council.

“(2) ‘Completion rate’ means the percentage of students who enroll and complete, within 4 years at the secondary level and 2 years at the post-secondary level, a non-duplicative, sequential CTE course sequence of 3 credits or more, which result in an industry-recognized

credential, certificate, or degree, or relevant college credit, or both.

“(3) ‘Concentration rate’ means the percentage of students enrolled in CTE courses who complete 3 credits in a non-duplicative, sequential CTE course sequence of 4 credits or more, or 2 credits in a non-duplicative, sequential CTE course sequence of 3 credits within 4 years.

“(4) ‘CTE’ means career and technical education.

“(5) ‘DCPS’ means the District of Columbia Public Schools.

“(6) ‘Industry council’ means a group of representatives from the private sector, established or approved by OSSE or WIC, working in the same area as a particular career cluster.

“(7) ‘OSSE’ means the Office of the State Superintendent of Education established by

section 2 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601).

“(8) ‘PCSB’ means the Public Charter School Board established by section 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.14).

“(9) ‘UDCC’ means the University of the District of Columbia Community College.

“(10) ‘WIC’ means the Workforce Investment Council established by section 4 of the Workforce Investment Implementation Act of 2000, effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1603).

“Section 3. Establishment of CTE Task Force.

“(a) By August 1, 2012, the Mayor shall establish the CTE Task Force to review best practices for CTE programs and develop a city-wide strategic plan for CTE programs administered by District of Columbia Public Schools, District of Columbia public charter schools, the University of the District of Columbia Community College, or any other secondary or post-secondary institution that receives federal or local funding for CTE programming.

“(b) The CTE Task Force shall consist of the following 8 members:

“(1) The Chairman of the Council’s Committee on Economic Development and Housing, or his designee;

“(2) The Chairman of the Council’s Committee on Jobs and Workforce Development, or his designee;

“(3) The Deputy Mayor for Education, or his designee;

“(4) The Chancellor of the District of Columbia Public Schools, or her designee;

“(5) The Executive Director of the Public Charter School Board, or his designee;

“(6) The State Superintendent of Education, or her designee;

“(7) The Executive Director of the Workforce Investment Council, or her designee; and

“(8) The Interim Chief Executive Officer of the University of the District of Columbia Community College, or his or her designee;

“(c) Throughout the creation of the city-wide strategic plan, the CTE Task Force shall consult with additional stakeholder groups, including representatives of the District business community who represent industries involved with CTE, representatives from the Washington Teachers Union, representatives from the philanthropic community, and representatives from organizations focused on education or youth workforce development research or service provision.

“(d) The Office of the State Superintendent shall be responsible for convening and facilitating the CTE Task Force as well as leading the effort to draft the city-wide strategic plan.

“(e) By January 1, 2013, the CTE Task Force shall present to the Mayor and the Council the city-wide strategic plan for CTE. The plan shall align with all federal laws, regulations, funding guidance, and the national Common Career Technical Core and shall include:

“(1) A city-wide analysis of CTE programs currently offered at District of Columbia Public Schools, District of Columbia public charter schools, and the University of the District of Columbia Community College to determine their quality, popularity, concentration and completion rates, and whether the career cluster is focused on high-skill, high-wage, or high-demand occupations;

“(2) Specific requirements of all CTE programs, including:

“(A) The implementation of a CTE curriculum that consists of a non-duplicative, sequential course of study consisting of 3 credits or more that at a minimum:

“(i) Integrate academic, career, and technical education;

“(ii) Utilize work-based learning experiences, including industry-relevant internships or work-study placements;

“(iii) Provide technical preparation for high-skill, high-wage, or high-demand occupations, as determined by the relevant industry council and in accordance with standards set forth by federal and local law;

“(iv) Result in an industry-recognized credential, certificate or degree, or relevant college credit;

“(v) Are designed to lead to placement in high-skill, high-wage, or high-demand occupations or lead to further education in the relevant field; and

“(vi) Meet any other requirements and spending restrictions prescribed by federal or local law;

“(B) Where appropriate, the creation and implementation of dual-enrollment, articulation, or early-college programs with local colleges, universities, post-secondary institutions, or apprenticeship programs;

“(C)(i) Established partnerships with an industry council, facilitated by OSSE or WIC, which shall be tasked with informing and assisting with:

“(I) The CTE curriculum for each career cluster;

“(II) The criteria utilized for selecting, training, evaluating, compensating, and scheduling CTE staff and faculty;

“(III) The development and monitoring of outcome measurements; and

“(IV) The identification of internship and job opportunities for students and graduates; or

“(ii) Alternatively, the Local Education Agency has the option to establish and facilitate its own industry council as long as the industry council is approved by OSSE or WIC;



“(3) A strategy to significantly increase the District’s concentration and completion rates of the relevant CTE curriculum as outlined in paragraph (2)(A) of this subsection with annual benchmarks and a 5-year goal that every CTE program achieve a completion rate and a concentration rate that meet or exceed the national averages;

“(4) An outreach and engagement strategy for students who may consider participating in CTE programs, including specific consideration as to how CTE programs can be used to re-engage youth, between the ages of 16 and 24 years, who are currently disconnected from school, do not have a high school diploma or equivalency, and who are not employed;

“(5) An implementation plan for a pilot program that would accept students into CTE programs from other District of Columbia public or charter schools for the sole purpose of completing CTE-specific course work without requiring a change in full-time enrollment;

“(6) A process for determining the eligibility of career clusters that includes consultation with the WIC and review of labor market data to ensure the field of study is focused on high-skill, high-wage, or high-demand occupations;

“(7) An analysis of whether any new career clusters should be added to fill a gap in course offerings and a determination as to which institution would be best equipped to develop and offer that career cluster;

“(8) A detailed delineation of responsibilities among the relevant agencies, including OSSE, DCPS, PCSB, UDCCC, and other post-secondary institutions, and the WIC;

“(9) An analysis of whether CTE programs should receive additional flexibility in determining, in conjunction with their relevant industry councils, appropriate guidelines for hiring, scheduling, assessing, and compensating CTE faculty in accordance with federal and

local law and collective bargaining agreements, and, if so, a process for granting and administering such flexibility;

“(10) A strategy to support and incentivize CTE programs to provide night or weekend CTE course offerings to adult District residents; and

“(11) A policy allowing individual public charter schools to apply to the PCSB for a waiver from the CTE standards set forth in the plan as long as the PCSB has found that the particular charter school has a compelling justification for such a waiver and has established an alternative set of standards and outcome measures for the particular charter school that will be communicated to the OSSE and monitored by the PCSB.

“(f)(1) The city-wide strategic plan shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the plan, in whole or in part, by resolution within this 45-day review period, the plan shall be deemed approved.

“(2) If the plan is disapproved by the Council, the Council’s Committee of the Whole shall transmit a report to the CTE Task Force citing the Council’s concerns within 30 days of the disapproval and the CTE Task Force shall have 30 days from the date it received the report to review the report and re-submit a new plan to the Mayor and the Council for approval in accordance with paragraph (1) of this subsection.”

Section 5(b) of D.C. Law 19-199 provided that the act shall expire after 225 days of its having taken effect.

**Emergency legislation.** — For temporary (90 day) addition of sections, see §§ 2 and 3 of the (D.C. Act 19-408, July 24, 2012, 59 DCR 9130).

SUBTITLE III. PUBLIC EDUCATION — POST SECONDARY.

CHAPTER 12. PUBLIC POSTSECONDARY EDUCATION REORGANIZATION.

UNIT A. GENERAL

Subchapter IV. Miscellaneous

Subchapter II. University of the District of Columbia

Sec.  
38-1204.01. Meetings of Trustees.

Sec.  
38-1202.06. Duties of Trustees.



## Unit A. General.

*Subchapter II. University of the District of Columbia.***§ 38-1202.01. Establishment of Board of Trustees and University.**

**Section references.** — This section is referenced in § 1-523.01, § 47-2853.04, and § 47-4431.

**Emergency legislation.**

For temporary (90 day) addition of sections, see §§ 4032, 4042 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) addition of sections, see §§ 4032, 4042 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**§ 38-1202.06. Duties of Trustees.**

It shall be the duty of the Trustees to:

(1) Review the existing public institutions of postsecondary education with respect to:

- (A) Accreditation;
- (B) Present programs and functions;
- (C) Actual and potential capabilities; and
- (D) Educational policies and procedures;

(2)(A) Establish the University of the District of Columbia consisting of, but not limited to, 2 major components, liberal and fine arts and vocational and technical education;

(B) Prepare and, from time to time, revise a long-range plan for the development of the University which shall include the type and scope of programs offered and envisioned. Such plan shall also include the development, expansion, integration, coordination and efficient use of the facilities, physical plant, curricula, and standards of public postsecondary education. Such initial plan and any revisions thereof shall be made available to the public, the Council of the District of Columbia and the Mayor for a period of not less than 60 days prior to its implementation and the Trustees shall hold such hearings and public forums as may be necessary to receive public response and comment on such plans;

(C) Operate a public law school component, established under subchapter VI of this unit, in a manner that shall:

(i) Maintain any accreditation necessary to qualify the graduates of the School of Law to take the bar examinations of the District of Columbia and of the several states;

(ii) Represent, to the maximum extent feasible, the legal needs of low-income persons, particularly those who reside in the District of Columbia, through the training of law students; and

(iii) Recruit and enroll, to the maximum extent feasible, students from racial, ethnic, and other population groups that in the past have been underrepresented among persons admitted to the bar of the District of Columbia and the several states;

(3) Establish or approve policies and procedures governing admissions, curricula, programs, graduation, the awarding of degrees, and general policy making for the components of the University;

(4) Prepare and submit to the Mayor, on a date fixed by the Mayor, an annual budget for each fiscal year. Such budget shall include a proposed financial operating plan for such fiscal year, and a capital and educational improvements plan for such fiscal year and the succeeding 4 fiscal years for the University. The Mayor and the Council shall, after review and consideration of the budget submitted by the Trustees, establish the maximum amount of funds for each of the major components of the University and the total University budget which will be allocated to the Trustees;

(5) Transfer during the fiscal year any appropriation balance available for one item of appropriation to another item of appropriation or to a new program designated by action of the Trustees; provided, that any such action under this paragraph shall be taken in accordance with the provisions of the reprogramming policy and laws of the District of Columbia;

(6) Repealed;

(7) Enter into negotiations and binding contracts in accordance with District contracting and procurement rules and regulations to perform organized research, training and demonstrations on a reimbursable basis for the United States and the government of the District of Columbia and other public and private agencies;

(8) Fix tuition, and fees in addition to tuition, to be paid by resident and nonresident students attending the University; provided, that such tuition and fees are adopted by the Trustees in accordance with the provisions of § 2-505(a);

(9) Deposit all revenues and receipts of any nature whatsoever derived from tuition and fees received from students with the District of Columbia Treasurer under regulations established by the Mayor, which revenues shall be accounted for in the Municipal University Fund as a separate revenue source allocated to provide authority for such University purposes as the Board of Trustees may approve;

(10) Select, appoint, and fix the compensation for a Chief Executive Officer of the University and of such staff for the Board of Trustees as it deems necessary and approve the appointment and compensation of the academic and administrative heads of each of the components of the University and of such other officers as it deems necessary, including legal counsel, subject to the provisions of Chapter 6 of Title 1. The Chief Executive Officer shall serve at the pleasure of the Trustees;

(11) Submit recommendations to the Mayor and the Council of the District of Columbia from time to time relating to legislation affecting the administration and programs of the University;

(12) Develop and define, in conjunction with the faculty, a policy governing academic freedom for the University and establish mechanisms to ensure its protection and enforcement;

(13) Perform such duties and make such rules and regulations as may be necessary to carry out the purposes of this unit;

(14) Seek to establish with the Board a Coordination Committee to determine areas of cooperation, coordination and assistance;

(15) Utilize the services and seek the counsel and advice of the District of Columbia Commission on Postsecondary Education in planning the development of a program for public postsecondary education in the District of Columbia;

(16) Generally determine, control, supervise, manage, and govern all affairs of the University;

(17) Repealed;

(18) Establish health policies and procedures for adult students as provided in Chapter 6 of this title;

(19)(A) Coordinate the state system, in accordance with federal requirements, for pre-k teacher preparation, professional development, and training;

(B) Establish a collaborative of District of Columbia colleges and universities to craft a higher education incentive grant program and a scholarship program and develop a pre-k workforce development plan, as required by § 38-274.01; and

(C) Establish the higher education incentive grant program and the scholarship program for the purpose of increasing the number of highly qualified pre-k teachers and assistant teachers who are eligible to teach in a high-quality pre-k classroom as of September 1, 2014, as set forth in § 38-274.01; and

(20)(A) Procure all goods and services necessary to operate the University independent of the Office of Contracting and Procurement and the requirements of Chapter 3A of Title 2, except as specified in § 2-351.05; provided, that the Council has approved proposed rules governing the procurement of goods and services.

(B) Submit any proposed rules governing the procurement of goods and services promulgated subsequent to October 9, 2010, to the Council for its review and approval.

(Oct. 26, 1974, 88 Stat. 1427, Pub. L. 93-471, title II, § 206; Nov. 1, 1975, D.C. Law 1-36, § 4, 22 DCR 2923; Mar. 3, 1979, D.C. Law 2-139, § 3204(f), 25 DCR 5740; Aug. 22, 1980, D.C. Law 3-82, § 3(a), 27 DCR 2647; Feb. 9, 1984, D.C. Law 5-47, § 2, 30 DCR 5641; Feb. 24, 1987, D.C. Law 6-177, § 2(c), (d), 33 DCR 7241; Aug. 1, 1996, D.C. Law 11-152, § 301(c), 43 DCR 2978; Apr. 12, 1997, D.C. Law 11-259, § 314(b), 44 DCR 1423; Apr. 20, 1999, D.C. Law 12-231, § 2(a), 46 DCR 487; Mar. 8, 2011, D.C. Law 18-285, § 3, 57 DCR 11005; Mar. 8, 2011, D.C. Law 18-286, § 2(b), 57 DCR 11012; Sept. 26, 2012, D.C. Law 19-171, §§ 96, 226, 59 DCR 6190.)

**Section references.** — This section is referenced in § 1-636.02, § 38-1202.01, and § 47-2853.04.

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-171 validated a previously made technical correction; and substituted “the requirements of Chapter 3A of Title 2, except as specified in § 2-351.05” for “the requirements of § 2-301.01

et seq., except as specified in § 2-303.20” in (20)(A).

**Legislative history of Law 19-171.** — Law 19-171, the “Technical Amendments Act of 2012,” was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376



and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

*Subchapter IV. Miscellaneous.*

**§ 38-1204.01. Meetings of Trustees.**

(a)(1) The chairperson or a majority of the members of the Trustees may convene a meeting. The Trustees shall hold meetings periodically, as scheduled by the Trustees; provided, that at least 4 meetings shall be held each year. All meetings shall be held in the District of Columbia. Except as provided in paragraph (2) of this subsection, meetings shall be noticed to the public and open to the public.

(2) The Trustees may convene in executive session by a vote of a majority of the voting members serving to take action on matters that:

(A) Relate to personnel or to practices of the Trustees;

(B) Would result in the disclosure of matters specifically exempted from disclosure by statute; or

(C) Would result in the disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(3) The Trustees shall keep the minutes of each meeting of the Trustees and shall make the minutes of each public meeting available to the public for inspection and distribution.

(b) No official action may be taken at a meeting or an executive session unless a quorum is present; except, that a lesser number may hold a hearing. A majority of the voting members serving on the Board of Trustees shall constitute a quorum.

(Oct. 26, 1974, 88 Stat. 1429, Pub. L. 93-471, title IV, § 401; Nov. 1, 1975, D.C. Law 1-36, § 5, 22 DCR 2931; Mar. 3, 1979, D.C. Law 2-132, § 2, 25 DCR 3489; Mar. 8, 2011, D.C. Law 18-286, § 2(c), 57 DCR 11012; Mar. 19, 2013, D.C. Law 19-251, § 2, 60 DCR 980.)

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-251 substituted “4 meetings” for “6 meetings” in (a)(1).

**Legislative history of Law 19-251.** — Law 19-251, the “UDC Board Meeting Amendment Act of 2012,” was introduced in Council and

assigned Bill No. 19-694. The Bill was adopted on first and second readings on Dec. 4, 2012, and Dec. 18, 2012, respectively. Signed by the Mayor on Jan. 7, 2013, it was assigned Act No. 19-588 and transmitted to Congress for its review. D.C. Law 19-251 became effective on Mar. 19, 2013.



CHAPTER 12A. COMMUNITY COLLEGE OF THE DISTRICT OF COLUMBIA  
PLAN FOR INDEPENDENCE.

§ 38-1271.01. University of the District of Columbia Community College Transition to Independence Advisory Board.

**Emergency legislation.** — For temporary addition of provisions relating to University of the District of Columbia College Autonomy, see § 4042 of the Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

**Editor's notes.** — Section 4042 of D.C. Law 19-168 provided:

“(a) By November 1, 2012, the University of the District of Columbia shall transmit to the Middle States Commission on Higher Education a request for approval of a substantive change to reclassify the University of the District of Columbia Community College as a Branch Campus of the University of the Dis-

trict of Columbia. A copy of this request shall also be transmitted to the Council of the District of Columbia.”

“(b) By October 1, 2012, the Chief Executive Officer of the University of the District of Columbia Community College shall be responsible for the day-to-day management of the Community College and shall have direct spending authority over the Community College budget, identified as Division (8000) in the University of the District of Columbia operating budget and shall regularly report directly to the Board of Trustees, or a subcommittee of the Board of Trustees, respecting the affairs of the Community College.”

---

CHAPTER 13. EDUCATION LICENSURE COMMISSION.

Sec.

38-1309. Postsecondary educational institution; requirements.

§ 38-1309. Postsecondary educational institution; requirements.

(a) No person or postsecondary educational institution incorporated in the District of Columbia or outside of the District of Columbia shall operate a postsecondary educational institution in the District of Columbia, offer postsecondary education, have the power to grant or confer or offer to grant or confer a postsecondary degree or a diploma or certificate, offer postsecondary courses for credit, or issue transcripts or other documents to reflect credit toward a postsecondary degree, diploma or certificate, unless:

(1) The institution is granted a license to do so from the Commission or granted an exemption by the Commission in accordance with this chapter; and

(2) The institution is either organized or chartered in the District of Columbia and operates, keeps, or maintains a facility in the District through which educational instruction is offered, or organized or chartered outside the District of Columbia and is registered as a foreign corporation pursuant to § 29-101.99 or § 29-301.64, and operates, keeps, or maintains a facility in the District through which educational instruction is offered, or is otherwise properly authorized to do business in the District of Columbia and operates, keeps, or maintains a facility in the District through which educational instruction is offered.

(b) No person shall state or imply that its educational program or course of instruction is approved for veteran's training in the District by the District of Columbia State Approving Agency or by the United States Veterans Administration, unless that person has obtained proper approval from the commission.

(c) Except as provided for in this chapter, no person shall sell, barter, or exchange for any consideration, or attempt to sell, barter, or exchange for any consideration, a degree, diploma, or certificate.

(c-1)(1) No educational institution licensed by the Education Licensure Commission ("Commission") under the provisions of this act shall use as its title, in whole or in part, the words United States, federal, American, national, or civil service, or any other words which might reasonably imply an official connection with the government of the United States, or any of its departments, bureaus, or agencies, or of the government of the District of Columbia, nor shall any such institutions advertise or claim the power to issue degrees under the authority of Congress or otherwise than under the authority of the license granted to them by the Commission as hereinbefore provided. The prohibition in this section contained shall be deemed to include and is hereby declared applicable to any individual or individuals, association, or incorporation outside of the District of Columbia which shall undertake to do business in the District of Columbia or to confer degrees or certificates therein; provided, that no institution, incorporated prior to April 16, 1934, under the provisions of this subchapter, and carrying on its work exclusively in any foreign country with the consent and approval of the government thereof, shall if otherwise entitled to be licensed by the Commission, be denied the same solely because of the inclusion in its name and as descriptive of its origin of any of the specific words the use of which is by this section forbidden to incorporations under the provisions of this subchapter.

(2) The Commission may, for good cause shown, waive the prohibition of this section for any nonprofit educational institution incorporated and licensed in any jurisdiction if:

(A) The institution clearly indicates to the Commission's satisfaction that it is not and does not hold itself out as or affiliated with an institution of the District of Columbia government or the federal government;

(B) The institution provides statements in a conspicuous place in all of its publications, advertising, and student contracts that the institution is not affiliated with the federal or District government;

(C) The institution is accredited by an accrediting association recognized by the United States Secretary of Education; and

(D) The institution otherwise meets all applicable licensing requirements.

(d) The Commission, before granting any license, may require satisfactory evidence:

(1) That, in the case of an individual, unincorporated group of individuals, or incorporated institution, the individual, a majority of the group, or a majority of the trustees, directors, or managers of the incorporated institution are persons of good repute and qualified to conduct an institution of learning; and

(2) That no degree shall be awarded by an institution that is not accredited if more than one-half of the requirements for the degree are earned by correspondence or extramural study, unless this fact is conspicuously noted upon the degree conferred.

(e) No degree shall be granted in medicine or any healing art, or in dentistry, for study pursued or work done by correspondence.

(Apr. 6, 1977, D.C. Law 1-104, § 9, as added Mar. 16, 1989, D.C. Law 7-217, § 2(h), 36 DCR 523; Feb. 5, 1994, D.C. Law 10-68, § 29(a), 40 DCR 6311; Aug. 16, 2008, D.C. Law 17-219, § 4010(b), 55 DCR 7598; Mar. 5, 2013, D.C. Law 19-210, § 3, 59 DCR 13171.)

**Effect of amendments.**

The 2013 amendment by D.C. Law 19-210 added (c-1).

**Legislative history of Law 19-210.** — Law 19-210, the “District of Columbia Official Code Title 29 Technical and Harmonizing Amendments Act of 2012,” was introduced in Council and assigned Bill No. 19-532. The Bill was adopted on first and second readings on July

10, 2012, and Oct. 2, 2012, respectively. Signed by the Mayor on Oct. 31, 2012, it was assigned Act No. 19-512 and transmitted to Congress for its review. D.C. Law 19-210 became effective on Mar. 5, 2013.

**Editor’s notes.** — Application of Law 19-210. Section 7 of D.C. Law 19-210 provided that the act shall apply as of January 1, 2012.

---

## SUBTITLE IV. PUBLIC EDUCATION — CHARTER SCHOOLS.

---

### CHAPTER 18. DISTRICT OF COLUMBIA SCHOOL REFORM (PUBLIC CHARTER SCHOOLS).

#### *Subchapter II. Public Charter Schools*

Sec.

38-1802.14a. Charter schools admissions task force.

#### *Subchapter II. Public Charter Schools.*

### § 38-1802.14. Public Charter School Board.

**Section references.** — This section is referenced in § 38-271.02, § 38-1800.02, and § 38-1835.01.

**Emergency legislation.**

For temporary (90 day) addition of section, see § 4052 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of § 4052 of Act 19-383, see § 2 of the District of Columbia School Reform Extension of Time

Emergency Amendment Act of 2012 (D.C. Act 19-410, July 24, 2012, 59 DCR 9137).

For temporary (90 day) amendment of § 4052 of Act 19-385, see § 3 of the District of Columbia School Reform Extension of Time Emergency Amendment Act of 2012 (D.C. Act 19-410, July 24, 2012, 59 DCR 9137).

For temporary (90 day) addition of section, see § 4052 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).



**§ 38-1802.14a. Charter schools admissions task force.**

(a) There is established a task force that shall study providing a neighborhood preference in charter school admissions for the 2013-2014 school year. The task force shall consist of:

(1) The following 5 government officials, or their designees:

- (A) Chairman of the Public Charter School Board;
- (B) Chairman of the Council of the District of Columbia;
- (C) State Superintendent of Education;
- (D) Deputy Mayor for Education; and
- (E) Chancellor of the District of Columbia Public Schools; and

(2) The following nongovernment members:

- (A) Two representatives from charter support organizations;
- (B) A representative from the education department of a national research organization;
- (C) A representative from a national charter school organization;
- (D) Two charter school leaders selected by the Public Charter School Board Chair; and
- (E) A labor representative.

(b) The task force shall:

(1) Be chaired by the Chairman of the Public Charter School Board, or his or her designee;

(2) Meet at an agreed to location as often as determined necessary by the Chairman of the task force;

(3) Explore the feasibility of offering a neighborhood preference in charter school admissions for the 2013-2014 school year; and

(4) By September 1, 2012, submit a report to the Council of its findings, which shall include:

(A) Consideration of the various ways in which a neighborhood preference can be designed, including:

- (i) The pros and cons of a weighted lottery;
- (ii) Setting aside of a certain percentage of new seats;
- (iii) A geographically limited preference; and
- (iv) A preference based on rankings in a city-wide application process;

(B) A definition of neighborhood for the purpose of setting boundaries in admissions;

(C) An examination of models that are being used in other jurisdictions and evaluation of their applicability to the District; and

(D) Recommendations based on its findings.

(Apr. 26, 1996, 110 Stat. 1321 [251], Pub. L. 104-134, § 2214a, as added Sept. 20, 2012, D.C. Law 19-168, § 4052, 59 DCR 8025.)

**Effect of amendments.** — The 2012 amendment by D.C. Law 19-168 added this section.

**Temporary legislation.** — Section 2 of D.C. Law 19-202 amended Section 2214a(a)(4) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; to be

codified at D.C. Official Code § 38-1802.14a(a)(4)), by striking the phrase “September 1, 2012,” and inserting the phrase “December 15, 2012,” in its place.

Section 4(b) of D.C. Law 19-202 provided that the act shall expire after 225 days of its having taken effect.



**Emergency legislation.** — For temporary addition of section, see § 4052 of the Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-168.** — Law 19-168, the “Fiscal Year 2013 Budget Support Act of 2012,” was introduced in Council and

assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

## CHAPTER 18A. MISCELLANEOUS PUBLIC CHARTER SCHOOL PROVISIONS.

### *Subchapter III. Evaluation of Authorizing Boards*

Sec.

38-1835.01. Evaluation of charter school authorizing boards.

### *Subchapter III. Evaluation of Authorizing Boards.*

## § 38-1835.01. Evaluation of charter school authorizing boards.

(a) Management evaluation of the District of Columbia Chartering Authorities for the District of Columbia Public Charter Schools shall be conducted by the Comptroller General of the United States every five years.

(b) Evaluation shall include the following:

(1) Establish standards to assess each authorizer’s procedures and oversight quality.

(2) Identify gaps in oversight and recommendations.

(3) Review processes of charter school applications.

(4) Extent of ongoing monitoring, technical assistance, and sanctions provided to schools.

(5) Compliance with annual reporting requirements.

(6) Actual budget expenditures for the preceding 5 fiscal years.

(7) Comparison of budget expenditures with mandated responsibilities.

(8) Alignment with best practices.

(9) Quality and timeliness of meeting section 38-1802.11(d), as amended.

(c) *Initial interim report to Congress.* — The Government Accountability Office shall submit to the Committees on Appropriations of the House of Representatives and Senate, no later than May 1, 2005, a baseline report on the performance of each authorizer in meeting the requirements of the School Reform Act of 1995.

(d) Hereafter § 38-1802.14(f), shall apply to the District of Columbia Board of Education Charter Schools Office.

(Oct. 18, 2004, 118 Stat. 1352, Pub. L. 108-335, § 346; Dec. 23, 2011, 125 Stat. 786, Pub. L. 112-74, § 816.)

**Cross references.** — Public Charter School Board, § 38-1802.14.

**Effect of amendments.** — The 2011 amendment by Pub. L. 112-74 deleted “Biennial” in

the section heading and at the beginning of (a); substituted “5 ” for “2 ” in (b)(6); and made added “every five years” at the end of (a); related changes.

PART A.

GENERAL.

§ 38-2021.01. Salary deductions; deposit; purchase of annuity.

**Section references.** — This section is referenced in § 1-713, § 38-2021.04, § 38-2021.08, § 38-2021.09, § 38-2023.14, and § 38-2041.01. § 2(a) of the Retirement of Public-School Teachers Omnibus Emergency Amendment Act of 2012 (D.C. Act 19-584, January 1, 2013, 60 DCR 134).

**Emergency legislation.**

For temporary amendment of section, see

§ 38-2021.03. Voluntary and involuntary retirement.

**Section references.** — This section is referenced in § 38-2021.04, § 38-2021.05, and § 38-2021.09. the Retirement of Public-School Teachers Omnibus Emergency Amendment Act of 2012 (D.C. Act 19-584, January 1, 2013, 60 DCR 134).

**Emergency legislation.**

For temporary addition of (c), see § 2(b) of

§ 38-2021.04. Disability retirement.

**Section references.** — This section is referenced in § 38-2021.05, § 38-2021.06, § 38-2021.09, and § 38-2023.11. amendment of (d), see § 2(c) of the Retirement of Public-School Teachers Omnibus Emergency Amendment Act of 2012 (D.C. Act 19-584, January 1, 2013, 60 DCR 134).

**Emergency legislation.** — For temporary

§ 38-2021.05. Computation of annuity; options.

**Section references.** — This section is referenced in § 38-2021.03, § 38-2021.04, § 38-2021.06, § 38-2021.08, § 38-2021.09, § 38-2021.19, and § 38-2023.12. the Retirement of Public-School Teachers Omnibus Emergency Amendment Act of 2012 (D.C. Act 19-584, January 1, 2013, 60 DCR 134).

**Emergency legislation.**

For temporary addition of (f), see § 2(d) of

§ 38-2021.07. [Omitted].

**Emergency legislation.** — For temporary addition of the Act of Aug. 7, 1946, ch. 779, § 7a, concerning required minimum distributions, see § 2(e) of the Retirement of Public-School Teachers Omnibus Emergency Amendment Act of 2012 (D.C. Act 19-584, January 1, 2013, 60 DCR 134).

## § 38-2021.08. Basis for determining annuity amount.

**Section references.** — This section is referenced in § 38-2021.03 and § 38-2023.14.

**Emergency legislation.** — For temporary amendment of (a), see § 2(f) of the Retirement

of Public-School Teachers Omnibus Emergency Amendment Act of 2012 (D.C. Act 19-584, January 1, 2013, 60 DCR 134).

## § 38-2021.09. Deferred annuity; annuity to survivors.

**Section references.** — This section is referenced in § 38-2021.01, § 38-2021.04, § 38-2021.05, § 38-2021.13, § 38-2021.21, and § 38-2023.14.

**Emergency legislation.** — For temporary

amendment of section, see § 2(g) of the Retirement of Public-School Teachers Omnibus Emergency Amendment Act of 2012 (D.C. Act 19-584, January 1, 2013, 60 DCR 134).

## § 38-2021.14. Records and accounts; report to Congress.

**Emergency legislation.** — For temporary repeal of section, see § 2(h) of the Retirement of Public-School Teachers Omnibus Emergency

Amendment Act of 2012 (D.C. Act 19-584, January 1, 2013, 60 DCR 134).

## § 38-2021.15. [Omitted].

**Emergency legislation.** — For temporary addition of the Act of Aug. 7, 1946, ch. 779, § 15a, concerning disposition of forfeitures, see § 2(i) of the Retirement of Public-School Teach-

ers Omnibus Emergency Amendment Act of 2012 (D.C. Act 19-584, January 1, 2013, 60 DCR 134).

## § 38-2021.17. Funds not assignable or subject to execution.

**Emergency legislation.** — For temporary amendment of section, see § 2(j) of the Retirement of Public-School Teachers Omnibus Emer-

gency Amendment Act of 2012 (D.C. Act 19-584, January 1, 2013, 60 DCR 134).

## § 38-2021.18. Applicability.

**Emergency legislation.** — For temporary amendment of section, see § 2(k) of the Retirement of Public-School Teachers Omnibus Emer-

gency Amendment Act of 2012 (D.C. Act 19-584, January 1, 2013, 60 DCR 134).

## § 38-2021.24. Rollovers; purchase of service credit.

**Emergency legislation.** — For temporary amendment of section, see § 2(l) of the Retirement of Public-School Teachers Omnibus Emer-

gency Amendment Act of 2012 (D.C. Act 19-584, January 1, 2013, 60 DCR 134).

## § 38-2021.25. Internal Revenue Code limits.

**Emergency legislation.** — For temporary amendment of section, see § 2(m) of the Retirement of Public-School Teachers Omnibus Emer-

gency Amendment Act of 2012 (D.C. Act 19-584, January 1, 2013, 60 DCR 134).



SUBTITLE VII. SPECIAL EDUCATION.

---

CHAPTER 25B. PLACEMENT OF STUDENTS WITH DISABILITIES IN  
NONPUBLIC SCHOOLS.

Sec.  
38-2561.01. Definitions.

§ 38-2561.01. Definitions.

For the purposes of this chapter, the term:

(1) “Aversive intervention” means specific strategies for behavioral-treatment intervention, including:

- (A) Noxious, painful, intrusive stimuli or activities that result in pain;
- (B) Any form of noxious, painful, or intrusive spray or inhalant;
- (C) Electric shock or use of a graduated electronic decelerator;
- (D) Pinches and deep muscle squeezes;
- (E) Withholding adequate sleep, shelter, clothing, bedding, or bathroom facilities;

(F) Withholding meals, essential nutrition, or hydration, or intentionally altering staple food or drink to make it distasteful; or

(G) The use of chemical restraints, instead of positive programs or medical treatments.

(1A) “Certificate of Approval” means the document issued by the SEA to the legal authority responsible for governing and operating a nonpublic special education school or program upon determination that the nonpublic special education school or program is in compliance with the requirements of § 38-2561.07.

(2) “DCPS” means the public local education system under the control of the Board of Education. The term “DCPS” does not include public charter schools.

(3) “Free appropriate public education” means special education and related services that:

(A) Have been provided at public expense, under public supervision and direction, and without charge;

(B) Meet the standards of the State Education Agency;

(C) Include an appropriate preschool, elementary school, or secondary school education; and

(D) Are provided in conformity with the individualized education plan.

(4) “IDEA” means the Individuals with Disabilities Education Act, approved April 13, 1970 (84 Stat. 175; 20 U.S.C. § 1400 et seq.), and its implementing regulations.

(5) “Individualized education plan” or “IEP” means a written plan that specifies the special education programs and services to be provided to meet the unique educational needs of a student with a disability, as required under section 614(d) of the IDEA [20 U.S.C. § 1414(d)].

(6) “Least restrictive environment” means a placement of a student with a disability that:

- (A) Provides the special education needed by the student;
- (B) Provides for the education of the student, to the maximum extent appropriate, with other students who do not have disabilities;
- (C) Is based upon consideration of the proximity of the placement to the student's place of residence; and
- (D) Is in accordance with section 612(a)(5)(A) of the IDEA [20 U.S.C. § 1412(a)(5)(A)].

(7)(A) "Nonpublic special education school or program" means a privately owned or operated preschool, school, educational organization, or program, no matter how titled, that maintains or conducts classes for the purpose of offering instruction, for a consideration, profit, or tuition, to students with disabilities.

(B) The term "nonpublic special education school or program" shall not include a privately owned or operated preschool, elementary, middle, or secondary school whose primary purpose is to provide educational services to students without disabilities, even though the school may serve students with disabilities in a regular academic setting.

(8) "Panel" means the Rate Reconsideration Panel established by § 38-2561.14.

(9) "Rates" are the annual or per-diem costs paid to each nonpublic special education school or program, for tuition and for each unit of related service delivered.

(10) "Related services" shall have the same meaning as provided in section 602(26) of the IDEA [20 U.S.C. § 1401(26)].

(11) "Residential child care facility" means a program that provides care for children 24 hours a day with a structured set of services and activities designed to achieve objectives related to the needs of the children served.

(12) "Special education" shall have the same meaning as provided in section 602(29) of the IDEA [20 U.S.C. § 1401(29)].

(13) "State education agency" or "SEA" means the Office of the State Superintendent of Education, or any successor agency that has primary responsibility for the state-level supervisory functions for special education that are typically handled by a state department of education or public instruction, a state board of education, a state education commission, or a state education authority.

(14) "Student with a disability" means a student determined to have:

- (A) Autism;
- (B) Deaf-blindness;
- (C) A developmental delay;
- (D) A hearing impairment, including deafness;
- (E) An intellectual disability;
- (F) Multiple disabilities;
- (G) An orthopedic impairment or other health impairment;
- (H) An emotional disturbance;
- (I) A severe disability;
- (J) A specific learning disability;
- (K) A speech or language impairment;

(L) A traumatic brain injury;

(M) A visual impairment, including blindness; or

(N) Any other condition, disability, or impairment described in section 602(3) of the IDEA [20 U.S.C. § 1401(3)], or in section 7(8) of the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 359; 706(8)) [repealed, see now 29 U.S.C. § 705(20)].

(Mar. 14, 2007, D.C. Law 16-269, § 101, 54 DCR 841; Mar. 20, 2009, D.C. Law 17-304, § 2(a), 55 DCR 12806; Sept. 26, 2012, D.C. Law 19-169, § 25, 59 DCR 5567.)

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-169 substituted “An intellectual disability” for “Mental retardation” in (14)(E).

**Legislative history of Law 19-169.** — Law 19-169, the “People First Respectful Language Modernization Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-189. The Bill was adopted on first and sec-

ond readings on Mar. 6, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 15, 2012, it was assigned Act No. 19-361 and transmitted to Congress for its review. D.C. Law 19-169 became effective on Sept. 26, 2012.

**Editor’s notes.** — Section 35 of D.C. Law 19-169 provided that no provision of the act shall impair any right or obligation existing under law.

## SUBTITLE VIII. STATE EDUCATION OFFICE.

### CHAPTER 26. OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION.

Sec.

38-2602. Responsibilities.

38-2607. Education Licensure Commission  
Site Evaluation Fund.

#### § 38-2602. Responsibilities.

(a) Within one year of the Officer’s appointment, but not later than October 2001, and except as provided in § 38-2604, the OSSE shall assume the responsibilities listed in subsection (b) of this section. The transfer and assumption of responsibilities shall take place in accordance with the short-term plan to be submitted by the Officer to the Mayor for approval by February 15, 2001, or 5 weeks from the establishment of the OSSE, whichever is later.

(b) The OSSE shall:

(1) Have authority for all state functions for federally sponsored child nutrition programs in the District, including those sponsored by the United States Department of Agriculture;

(2) Verify annual fall enrollment counts for all public and public charter schools pursuant to § 38-1804.02 and § 38-159;

(3) Formulate and promulgate rules for the documentation and verification of District residency for public and public charter school students, pursuant to §§ 38-302 and 38-303;

(4) Make recommendations to the Mayor and Council for periodic revisions to the Uniform Per Student Funding Formula pursuant to § 38-2911,



and provide information and data related to such revisions including the study of actual costs of education in the District of Columbia, consideration of performance incentives created by the formula in practice, research in education and education finance, and public comment;

(5) Conduct a study to be submitted to the Mayor and Council recommending additional functions to be assumed by the OSSE and a proposed transition plan meeting the specifications of § 38-2605;

(6) Oversee the functions and activities of the Education Licensure Commission, established by § 38-1303;

(6A) Establish and administer licensure requirements for pre-kindergarten programs, pursuant to § 38-271.02(a)(3);

(7) Issue rules to establish requirements to govern acceptable credit to be granted for studies completed at independent, private, public, public charter schools, and private instruction;

(8) Prescribe minimum amounts of instructional time for all schools, including public, public charter, and private schools;

(8A) Prescribe standards for extended learning time beyond the regular school day for public schools, including public charter schools;

(9) Oversee the state-level functions and activities related to early childhood education programs, including the public education of the Early Intervention Services Program, in accordance with § 7-863.02;

(9A) Administer pre-kindergarten education, in accordance with § 38-271.02;

(9B) Conduct a residency audit, annually, to establish the number of in-District and out-of-District children enrolled in pre-kindergarten pursuant to Chapter 2A of this title [§ 38-271.01 et seq.];

(10) Provide for the education of children in the custody of the Department of Youth Rehabilitation Services;

(11) Formulate and promulgate rules necessary to carry out its functions, including rules governing the process for review and approval of state-level policies by the State Board of Education under § 38-2652, pursuant to of Chapter 5 of Title 2;

(12) Develop and adopt policies that come within the functions of state educational agencies under federal law, subject to the approval of the State Board of Education for those policies that are subject to board approval under § 38-2652;

(13) Conduct studies and pilot projects to develop, review, or test state policy;

(14) Repealed;

(15) Fulfill any other responsibilities consistent with the performance of the state-level education functions of the District of Columbia;

(16) Promulgate rules for the administration and implementation of the uniform per student funding formula, pursuant to Chapter 29 of this title;

(17) Have the authority to collect and dedicate fees for state academic credential certifications and general educational development testing as well as for any other state-level education function, as established by the Superintendent by regulation;

(18) Have the authority to issue grants, from funds under its administration (including the non-public tuition paper agency), to local education agencies ("LEAs") for programs that increase the capacity of the LEA to provide special education services; and

(19) By October 1, 2013, create a truancy prevention resource guide for parents and legal guardians who have children who attend a District public school, which shall be updated and made available upon request and, at minimum, include:

(A) An explanation of the District's laws and regulations related to absenteeism and truancy;

(B) Information on:

- (i) What a parent or legal guardian can do to prevent truancy;
- (ii) The common causes of truancy; and
- (iii) Common consequences of truancy;

(C) A comprehensive list of resources that are available to a parent or legal guardian, and the student, that address the common causes of truancy and the prevention of it, such as:

- (i) Hotlines that provide assistance to parents, legal guardians, and youth;
- (ii) Counseling for the parent (or legal guardian) or the youth, or both;
- (iii) Parenting classes;
- (iv) Parent-support groups;
- (v) Family psycho-education programs;
- (vi) Parent-resource libraries;
- (vii) Risk prevention education;
- (viii) Neighborhood family support organizations and collaboratives that provide assistance to families experiencing hardship;
- (ix) Behavioral health resources and programs in schools;
- (x) The Behavioral Health Ombudsman Program; and
- (xi) The resources at each public school for at-risk students and their parents or legal guardians.

(c)(1) There is established as a nonlapsing fund the Academic Certification and Testing Fund ("Fund"). All fees collected by the Office of the State Superintendent of Education for state academic credential certifications, general educational development testing, or any other state-level education function established pursuant to subsection (b)(17) of this section shall be deposited into the Fund.

(2) All funds deposited into the Fund, and any interest earned on those funds, shall be used for the purposes set forth in paragraph (3) of this subsection. Any unexpended funds in the Academic Certification and Testing Fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

(3) The Fund shall be administered by the State Superintendent of Education and shall be used to support the administration of state academic credential certifications, General Educational Development, and other state-level programs.

(Oct. 21, 2000, D.C. Law 13-176, § 3, 47 DCR 6835; Nov. 13, 2003, D.C. Law

15-39, § 302, 50 DCR 5668; Oct. 20, 2005, D.C. Law 16-33, § 4003(a), 52 DCR 7503; June 12, 2007, D.C. Law 17-9, § 302(c), 54 DCR 4102; Sept. 18, 2007, D.C. Law 17-20, § 4012(a), 54 DCR 7052; July 18, 2008, D.C. Law 17-202, § 607, 55 DCR 6297; Aug. 16, 2008, D.C. Law 17-219, § 4008, 55 DCR 7598; Mar. 25, 2009, D.C. Law 17-353, § 215(d), 56 DCR 1117; Mar. 3, 2010, D.C. Law 18-111, § 4031, 57 DCR 181; Apr. 8, 2011, D.C. Law 18-370, § 404, 58 DCR 1008; Sept. 14, 2011, D.C. Law 19-21, § 9057, 58 DCR 6226; June 7, 2012, D.C. Law 19-141, § 303, 59 DCR 3083.)

**Section references.** — This section is referenced in § 38-302, § 38-2602.01, and § 38-2603.

**Effect of amendments.**

D.C. Law 19-141, in subsec. (b), deleted “and” from the end of par. (17), substituted “; and” for a period the end of par. (18), and added par. (19).

**Emergency legislation.**

For temporary addition of provisions concerning state athletic activities, programs, and office revenue generation and sponsorship, see §§ 2 and 3 of the State Athletic Activities, Programs, and Office Revenue Generation and Sponsorship Emergency Act of 2012 (D.C. Act 19-606, January 14, 2013, 60 DCR 1072).

For temporary addition of provisions concerning the State Athletic Activities, Programs,

and Office Fund, see §§ 2 and 3 of the State Athletic Activities, Programs, and Office Fund Emergency Act of 2012 (D.C. Act 19-607, January 14, 2013, 60 DCR 1074).

**Legislative history of Law 19-141.** — For history of Law 19-141, see notes under § 38-203.

**Editor’s notes.**

Section 601 of D.C. Law 19-141 originally provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan. Section 601 of D.C. Law 19-141, as amended by D.C. Law 19-168, § 7004, provided that the applicability of only §§ 302(b)(1), 304, and 502(a) are contingent upon the inclusion of their fiscal effect in an approved budget and financial plan.

## § 38-2607. Education Licensure Commission Site Evaluation Fund.

(a) There is established a lapsing fund to be designated as the Education Licensure Commission Site Evaluation Fund (“Fund”), which shall be a segregated account within the General Fund of the District of Columbia, administered by the Office of the State Superintendent of Education, and used for the purposes set forth in subsection (b) of this section.

(b) The Fund shall be used only to cover costs associated with the Education Licensure Commission’s review of institutions for licensing purposes under § 38-1306.

(c) All revenues collected by the Education Licensure Commission for evaluations and observations done pursuant to § 38-1306 shall be deposited into the Fund. All funds deposited into the Fund shall be used for the purposes set forth in subsection (b) of this section. Any unexpended funds in the Fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

(Oct. 21, 2000, D.C. Law 13-176, § 7a, as added Oct. 20, 2005, D.C. Law 16-33, § 4003(b), 52 DCR 7503; June 12, 2007, D.C. Law 17-9, § 302(f), 54 DCR 4102; Sept. 14, 2011, D.C. Law 19-21, § 9059, 58 DCR 6226; Sept. 26, 2012, D.C. Law 19-171, § 98(b), 59 DCR 6190.)

**Section references.** — This section is referenced in § 38-1306.

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-171



validated a previously made technical correction.

**Legislative history of Law 19-171.** — Law 19-171, the “Technical Amendments Act of 2012,” was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first

and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

SUBTITLE X. SCHOOL FUNDING.

CHAPTER 28. SCHOOL-BASED BUDGETING AND ACCOUNTABILITY.

*Subchapter I. General Provisions*

Sec.  
38-2803. Multiyear Facilities Master Plan.

*Subchapter I. General Provisions.*

§ 38-2803. Multiyear Facilities Master Plan.

(a)(1) Beginning on December 15, 2012 and every 5 years thereafter, the Mayor shall prepare and submit to the Council for its review and approval a comprehensive 5-year Master Facilities Plan for public education facilities, along with a proposed resolution, in accordance with this section. The Council shall vote on the 5-year Master Facilities Plan concurrently with its vote on the Mayor’s capital budget proposal. If approved by the Council, the 5-year Master Facilities Plan shall take effect on the first day of the succeeding fiscal year.

(2) The Council shall conduct at least one public hearing on the proposed 5-year Master Facilities Plan before approval.

(3) If, subsequent to Council approval of the 5-year Master Facilities Plan, material changes to the plan become necessary, the Mayor may modify the plan; provided, that any modification shall be submitted to the Council for review and approval along with the Mayor’s annual submission of a capital budget recommendation for public schools.

(b)(1) The Mayor shall establish an Office of Public Education Facilities Planning (“OPEFP”) within the Office of the Deputy Mayor for Education responsible for the development of the Master Facilities Plan, which shall function as a citywide public education facilities plan.

(1A) Beginning on April 15, 2013, the Department of General Services shall conduct an annual survey to update information on the enrollment, utilization, and condition of each public school facility and shall make the information available to the public on the Mayor’s website by December 1st of each year.

(2) The OPEFP shall include in the Master Facilities Plan detailed, current analyses and data on:

(A) The facilities condition assessment for each school building and facility under the control and jurisdiction of the District of Columbia Public Schools;

(B) The capacity of existing schools, current level of utilization, and recommendations for the utilization or reduction of excess space, including, as appropriate, specific recommendations on:

- (i) Consolidation;
- (ii) Closure; and
- (iii) Co-location;

(C) Historical and projected enrollment;

(D) Current and projected demographic information for the surrounding neighborhood;

(E) Other neighborhood issues, in coordination with the Office of Planning;

(F) A school-by-school description relating facility needs and requirements to:

(i) The facility's programmatic usage with specific linkages and relationships to adopted education plans of a local education agency, school district, or institution, including specific plans for special education, early childhood education, and career and technical education programs; and

(ii) The statewide education and youth development plan described in § 38-191, and how it enables schools to be centers of the community;

(G) A detailed facility portfolio analysis that will inform any decisions related to alternative financing options, including public/private development partnerships and co-location opportunities;

(H) A communications and community involvement plan for each school that includes engagement of key stakeholders throughout the community, including:

- (i) Local school restructuring teams;
- (ii) School improvement teams; and
- (iii) Advisory Neighborhood Commissions;

(I) The coordination of the District's education sector with housing, health, and welfare sectors, and with economic development policies and plans;

(J) The location, planning, use, and design of the District's educational facilities and campuses; and

(K) Any school disposition, including a plan delineating the process through which citizen involvement shall be facilitated, and establishing the criteria that will be utilized in disposition decisions, one of which shall be consideration of the impact of any proposed new use of a school building on the neighborhood in which the school building is located;

(3) The following agencies shall work with the OPEFP in the development of the Master Facilities Plan:

(A) The District of Columbia Public Schools, which shall transmit to the OPEFP educational plans and policies it considers relevant to the facilities planning process and provide the educational specifications for each facility subject to modernization;

(B) The Public Charter School Board, which shall:

(i) Transmit to the OPEFP educational plans and policies of individual public charter schools, data on existing public charter school facilities and facilities-related needs, and other information considered relevant to the planning process; and

(ii) Establish a Public Charter School facilities registry in which individual public charter schools will have the opportunity to register to receive facilities planning and technical support from the OPEFP, including the analyses and data compiled pursuant to paragraph (2) of this subsection;

(C) The Office of Planning, which shall provide demographic and neighborhood data support; and

(D) The Office of Public Education Facilities Modernization, which shall implement the Master Facilities Plan consistent with the policy priorities set forth in this chapter.

(4) Of the fiscal year 2011 capital funds appropriated to the Office of Public Education Facilities Modernization, it shall transfer:

(A) Up to \$500,000 to the Office of the Deputy Mayor for Education to support capital planning pursuant to subsection (b)(1) of this section; and

(B) An amount of \$100,000 to the District of Columbia Public Schools and \$100,000 to the Public Charter School Board to support capital planning activities as provided in paragraph (3) of this subsection.

(c) In developing the Facilities Master Plan, the Mayor shall consider the facilities needs of all public school students and shall consult with:

(1) The Council;

(2) The Director of the Office of Public Education Facilities Modernization;

(3) The Public Charter School Board;

(4) Representatives of public charter schools;

(5) The Public School Modernization Advisory Committee; and

(6) Key stakeholders throughout the community.

(d)(1) Beginning in fiscal year 2010, a Public School Facility capital improvement plan ("School Facility CIP") shall be updated each fiscal year as part of the Mayor's capital improvement plan for all public facilities, as required by § 1-204.44.

(2)(A) The School Facility CIP shall include for each school and other education facilities of DCPS and public charter schools, the following information:

(i) A description of the scope of work to be done and schedule of major milestones;

(ii) Justification for the work pursuant to the Master Facilities Plan;

(iii) A full-funded cost estimate of improvements planned for the next fiscal year and the succeeding 5 fiscal years;

(iv) The estimated cost of operating the improved facility, whether the new cost is more or less than the previous School Facility CIP estimate;

(v) The amount of capital funds expended in the prior fiscal year; and

(vi) The name, address, and ward of each project.

(B) Each School facility CIP shall:

(i) Meet the requirements listed in subsection (b) of this section;

(ii) Give due consideration to the record established by the testimony, and any exhibits, during the hearing required by paragraph (3) of this subsection; and

(iii) Be consistent with the policy of broad public participation, as stated in this section.



(3)(A) No more than 60 days or less than 30 days prior to the Mayor's submission of a School Facility CIP to the Council, and upon 15 days public notice, the Mayor shall conduct a public hearing to solicit the views of the public. In no event shall the hearing be prior to the annual submission by the Office of Public Education Facilities Modernization of its proposed budget to the Mayor.

(B) The Mayor shall transmit the record of the hearing to the Council at or before the public hearing on the annually submitted proposed budget for Office of Public Education Facilities Modernization.

(Mar. 26, 1999, D.C. Law 12-175, § 1104, 45 DCR 7193; Oct. 20, 2005, D.C. Law 16-33, § 4047, 52 DCR 7503; June 8, 2006, D.C. Law 16-123, § 221, 53 DCR 2843; June 12, 2007, D.C. Law 17-9, § 1009, 54 DCR 4102; Mar. 3, 2010, D.C. Law 18-111, § 4071, 57 DCR 181; Sept. 24, 2010, D.C. Law 18-223, § 4122, 57 DCR 6242; Sept. 20, 2012, D.C. Law 19-168, § 4012, 59 DCR 8025.)

**Section references.** — This section is referenced in § 1-325.44 and § 38-1805.52.

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-168 rewrote (a); added (b)(1A) and (b)(2)(K); and made related changes.

**Legislative history of Law 19-168.** — Law 19-168, the "Fiscal Year 2013 Budget Support

Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

## CHAPTER 29. UNIFORM PER STUDENT FUNDING FORMULA.

### *Subchapter I. General Provisions*

- Sec.  
38-2903. Foundation level.  
38-2904. Weightings applied to counts of students enrolled at certain grade levels.  
38-2905. Supplement to foundation level fund-

### Sec.

- ing on the basis of the count of special education, LEP/NEP, summer school, and residential school students.  
38-2913. Services.  
38-2914. Public Education Finance Reform Commission.

### *Subchapter I. General Provisions.*

## § 38-2903. Foundation level.

The foundation level or cost of providing public education services is \$9,124 per student for fiscal year 2013 and subsequent fiscal years. The foundation level may be revised in subsequent years in accordance with provisions for inflation, revenue unavailability, and periodic review and revision of the Formula, pursuant to §§ 38-2909, 38-2910, and 38-2911.

(Mar. 26, 1999, D.C. Law 12-207, § 104, 45 DCR 8095; Oct. 1, 2002, D.C. Law 14-190, § 3402(b), 49 DCR 6968; June 5, 2003, D.C. Law 14-307, § 102(a), 49 DCR 11664; Nov. 13, 2003, D.C. Law 15-39, § 312(a), 50 DCR 5668; Dec. 7, 2004, D.C. Law 15-205, § 4002(a), 51 DCR 8441; Oct. 20, 2005, D.C. Law 16-33, § 4012(a), 52 DCR 7503; Mar. 2, 2007, D.C. Law 16-192, § 4002(b), 53

DCR 6899; Sept. 18, 2007, D.C. Law 17-20, § 4002(b), 54 DCR 7052; Aug. 16, 2008, D.C. Law 17-219, § 4016(a), 55 DCR 7598; Sept. 24, 2010, D.C. Law 18-223, § 4022(a), 57 DCR 6242; Apr. 8, 2011, D.C. Law 18-370, § 402(a), 58 DCR 1008; Sept. 14, 2011, D.C. Law 19-21, § 4003(b), 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 4002(a), 59 DCR 8025.)

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-168 substituted “\$9,124 per student for fiscal year 2013” for “\$8,945 per student for fiscal year 2012” in the first sentence.

**Emergency legislation.**

For temporary (90 day) amendment of section, see § 4002(a) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 4002(a) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act

of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-168.** — Law 19-168, the “Fiscal Year 2013 Budget Support Act of 2012,” was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

**§ 38-2904. Weightings applied to counts of students enrolled at certain grade levels.**

The student counts at certain grade levels and in certain programs shall be weighted to provide an amount per student differing from the basic foundation level in accordance with the following schedule:

Grade Level	Weighting	Per Pupil Allocation in FY 2013
Pre-School	1.34	\$12,226
Pre-Kindergarten	1.30	\$11,861
Kindergarten	1.30	\$11,861
Grades 1-3	1.00	\$9,124
Grades 4-5	1.00	\$9,124
Grades 6-8	1.03	\$9,398
Grades 9-12	1.16	\$10,584
Alternative Program	1.17	\$10,675
Special education school	1.17	\$10,675
Adult	0.75	\$6,843

(Mar. 26, 1999, D.C. Law 12-207, § 105, 45 DCR 8095; Oct. 1, 2002, D.C. Law 14-190, § 3402(c), 49 DCR 6968; June 5, 2003, D.C. Law 14-307, § 102(b), 49 DCR 11664; Nov. 13, 2003, D.C. Law 15-39, § 312(b), 50 DCR 5668; Dec. 7, 2004, D.C. Law 15-205, § 4002(b), 51 DCR 8441; Oct. 20, 2005, D.C. Law 16-33, § 4012(b), 52 DCR 7503; Mar. 2, 2007, D.C. Law 16-191, § 61, 53 DCR 6794; Mar. 2, 2007, D.C. Law 16-192, § 4002(c), 53 DCR 6899; Sept. 18, 2007, D.C. Law 17-20, § 4002(c), 54 DCR 7052; Aug. 16, 2008, D.C. Law 17-219, § 4016(b), 55 DCR 7598; Mar. 3, 2010, D.C. Law 18-111, § 4002(a), 57 DCR 181; Sept. 24, 2010, D.C. Law 18-223, § 4022(b), 57 DCR 6242; Apr. 8, 2011, D.C. Law 18-370, § 402(b), 58 DCR 1008; Sept. 14, 2011, D.C. Law 19-21,

§ 4003(c), 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 4002(b), 59 DCR 8025.)

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-168 rewrote the schedule.

**Emergency legislation.**

For temporary (90 day) amendment of section, see § 4002(b) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 4002(b) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-168.** — See note to § 38-2903.

**§ 38-2905. Supplement to foundation level funding on the basis of the count of special education, LEP/NEP, summer school, and residential school students.**

(a) In addition to grade level allocations, supplemental allocations shall be provided on the basis of the count of students identified as entitled to and receiving:

- (1) Special education;
- (2) English as a second language or bilingual education services;
- (3) Summer school instruction for students who do not meet literacy standards pursuant to promotion policies of the DCPS or Public Charter Schools as defined in § 38-1804.01(b)(3)(B)(ii); and
- (4) Extended school days.

(b) Supplemental allocations shall be provided for each student in full-time residence at a residential DCPS or Public Charter School.

(c) The supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

General Education Add-ons:

Level/Program	Definition	Weighting	Per Pupil Supplemental FY 2013
LEP/NEP	Limited and non-English proficient students	0.45	\$4,106



			Per Pupil Supplemental FY 2013
Level/Program	Definition	Weighting	
Summer	An accelerated instructional program in the summer for students in targeted grade spans or grades pursuant to promotion policies of the District of Columbia Public Schools and public charter schools	0.17	\$1,551

Special Education Add-ons:

			Per Pupil Supplemental FY 2013
Level/Program	Definition	Weighting	
Level 1: Special Education	Eight hours or less per week of specialized services	0.58	\$5,292
Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services.	0.81	\$7,390
Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.58	\$14,416
Level 4: Special Education	More than 24 hours per week which may include instruction in a self-contained (dedicated) special education school other than residential placement	3.10	\$28,284

Level/Program	Definition	Weighting	Per Pupil Supplemental FY 2013
Special Education Capacity Fund	Weighting provided in addition to special education level add-on weightings on a per student basis for each student identified as eligible for special education.	0.40	\$3,650
Special Education Compliance Fund	Weighting provided in addition to special education level add-on weightings on a per student basis for each student identified as eligible for special education.	0.16	\$1,460
Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$15,511

Residential Add-ons:

			Per Pupil Supplemental FY 2013
Level/Program	Definition	Weighting	
Level 1: Special Education — Resi- dential	Additional funding to support the af- ter-hours level 1 special education needs of students living in a D.C. Public School or public charter school that pro- vides students with room and board in a residen- tial setting	0.374	\$3,412
Level 2: Special Education — Resi- dential	Additional funding to support the af- ter-hours level 2 special education needs of students living in a D.C. Public School or public charter school that pro- vides students with room and board in a residen- tial setting	1.360	\$12,409
Level 3: Special Education — Resi- dential	Additional funding to support the af- ter-hours level 3 special education needs of students living in a D.C. Public School or public charter school that pro- vides students with room and board in a residen- tial setting	2.941	\$26,834



Level/Program	Definition	Weighting	Per Pupil Supplemental FY 2013
Level 4: Special Education — Resi- dential	Additional funding to support the af- ter-hours level 4 special education needs of limited and non-English proficient students living in a D.C. Public School or public charter school that pro- vides students with room and board in a residen- tial setting	2.924	\$26,679
LEP/NEP — Resi- dential	Additional funding to support the af- ter-hours Limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residen- tial setting	0.68	\$6,204

Special Education Add-ons for Students with Extended School Year (“ESY”) Indicated in Their Individualized Education Programs (“IEPs”):

Level/Program	Definition	Weighting	Per Pupil Supplemental FY 2013
Special Education Level 1 ESY	Additional funding to support the summer school/ program need for students who re- quire extended school year (ESY) services in their IEPs	0.064	\$584

Level/Program	Definition	Weighting	Per Pupil Supplemental FY 2013
Special Education Level 2 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.231	\$2,108
Special Education Level 3 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.500	\$4,562
Special Education Level 4 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.497	\$4,535

(d) The above weightings shall be applied cumulatively in the counts of students who fall into more than one of the above categories.

(e)(1) The summer school weighting of 0.17 shall apply to DCPS and public charter school students enrolled for at least 6 weeks for the purpose described in § 38-2901(13). Summer school students enrolled for a lesser period shall be funded for the number of days in that period on a pro-rata basis.

(2) To receive funding, a DCPS or public charter school summer school program must offer at least 60 hours of instruction outside the regular school year.

(3) To receive full funding, a summer school program must offer at least 4 hours of instruction per day, 5 days a week, for 6 weeks, or its equivalent, for a total of at least 120 hours of instruction outside the regular school year for the purpose described in § 38-2901(13).

(4) The fully funded summer school weighting of 0.17 shall apply for summer school programs that meet the requirements of paragraph (3) of this subsection.

(5) Summer school programs that enroll students for less than 120 hours but more than 59 hours shall be funded on a pro-rata basis.

(f)(1) Funding for special education students enrolled in summer school whose Individual Education Plans require extended school year or summer school services shall be calculated using the add-on weights corresponding to their special education service levels as defined in subsection (c) of this section.

(2) Special education add-on weights for summer school shall apply only to summer programs that deliver the specialized services required by the Individual Education Plans of their enrolled special education students.

(g) The supplemental allocation for the extended school day shall be subject to the inclusion of its fiscal effect in an approved budget.

(Mar. 26, 1999, D.C. Law 12-207, § 106, 45 DCR 8095; Oct. 19, 2000, D.C. Law 13-172, § 2702, 47 DCR 6308; Oct. 3, 2001, D.C. Law 14-28, § 502, 48 DCR 6981; Oct. 1, 2002, D.C. Law 14-190, § 3402(d), 49 DCR 6968; June 5, 2003, D.C. Law 14-307, § 102(c), 49 DCR 11664; Nov. 13, 2003, D.C. Law 15-39, § 312(c), 50 DCR 5668; Dec. 7, 2004, D.C. Law 15-205, § 4002(c), 51 DCR 8441; Apr. 13, 2005, D.C. Law 15-348, § 101(b), 52 DCR 1991; Oct. 20, 2005, D.C. Law 16-33, § 4012(c), 52 DCR 7503; Mar. 2, 2007, D.C. Law 16-192, § 4002(d), 53 DCR 6899; Sept. 18, 2007, D.C. Law 17-20, § 4002(d), 54 DCR 7052; Aug. 16, 2008, D.C. Law 17-219, § 4016(c), 55 DCR 7598; Mar. 3, 2010, D.C. Law 18-111, § 4002(b), 57 DCR 181; Sept. 24, 2010, D.C. Law 18-223, § 4022(c), 57 DCR 6242; Apr. 8, 2011, D.C. Law 18-370, § 402(c), 58 DCR 1008; Sept. 14, 2011, D.C. Law 19-21, § 4003(d), 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 4002(c), 59 DCR 8025; Sept. 26, 2012, D.C. Law 19-171, § 95(a), 59 DCR 6190.)

**Section references.** — This section is referenced in § 38-1804.01.

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-168 rewrote (c).

The 2012 amendment by D.C. Law 19-171 made a correction to the D.C. Law 18-111 version of subsection (c).

**Emergency legislation.**

For temporary (90 day) amendment of section, see § 4002(c) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 4002(c) of Fiscal Year 2013 Budget

Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

**Legislative history of Law 19-168.** — See note to § 38-2903.

**Legislative history of Law 19-171.** — Law 19-171, the “Technical Amendments Act of 2012,” was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

## § 38-2909. Cost of education adjustment. [Repealed].

**Editor’s notes.** — Section 95(a) of D.C. Law 19-171 redesignated D.C. Law 17-111,

§ 4002(h) as D.C. Law 18-111, § 4002(f), which did not affect the repeal of this section.

## § 38-2913. Services.

Beginning in fiscal year 2014, services provided by District of Columbia government agencies to public schools shall be provided on an equal basis to



the District of Columbia Public Schools and public charter schools. Any services that are funded apart from the Uniform per Student Funding Formula shall not also be funded by the Uniform Per Student Funding Formula.

(Mar. 26, 1999, D.C. Law 12-207, § 115, as added Sept. 24, 2010, D.C. Law 18-223, § 4062, 57 DCR 6242; Apr. 8, 2011, D.C. Law 18-370, § 402(d), 58 DCR 1008; Sept. 20, 2012, D.C. Law 19-168, § 4072, 59 DCR 8025.)

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-168 substituted “fiscal year 2014” for “fiscal year 2013” in the first sentence.

**Legislative history of Law 19-168.** — See note to § 38-2903.

**§ 38-2914. Public Education Finance Reform Commission.**

(a)(1) An independent organization shall be retained by the Mayor of the District of Columbia to convene and staff an independent commission on public education finance reform in the District of Columbia, to be known as the Public Education Finance Reform Commission (“Commission”).

(2) The Commission shall:

(A) Be conducted according to the standard procedures of the independent organization, with full cooperation of the:

- (i) Council;
- (ii) Mayor;
- (iii) Chancellor;
- (iv) State Superintendent of Education; and
- (v) Other government personnel;

(B) Establish a process by which the public may participate in providing information, opinion, and reaction to Commission proceedings and reports; and

(C) Post all documents that it produces on the Internet.

(3) All Commission meetings and deliberations shall be open to the public.

(b) The Commission shall study and report on revisions to the Uniform Per Student Funding Formula with regard to improvements in:

- (1) Equity;
- (2) Adequacy;
- (3) Affordability; and
- (4) Transparency, including:

(A) The maintenance of uniformity in funding between District of Columbia Public Schools (“DCPS”) and public charter schools, taking into account services provided without charge by other District of Columbia agencies;

(B) The determination of the funding level needed by DCPS and the public charter schools to provide educational services sufficient to enable public school students, including special education students and English-language learners, to meet the academic standards of the District of Columbia;

(C) The fiscal ability of the District of Columbia government to provide the necessary funding level; and

(D) The presentation of the Uniform Per Student Funding Formula and

calculations made pursuant to it so that the public may clearly understand the basis of the calculations and related budget appropriations.

(c)(1) Prior to the delivery of final recommendations, the Commission shall provide to the Mayor and Council an equity report detailing for fiscal years 2009 and 2010:

(2) The equity report shall include:

(A) An analysis of the impact of these payments, transfers, in-kind services, and reprogramming on the uniformity of funding for DCPS and public charter schools;

(B) Recommendations for increasing uniformity in the 2013 budget and succeeding years; and

(C) Weaknesses in the Uniform Per Student Funding Formula Act or in its implementation, if any, that interfere with uniformity of funding.

(d) No later than November 30, 2011, the Commission shall provide the Mayor and Council with a final report and its recommendations for consideration in the development of the fiscal year 2013 budget.

(Mar. 26, 1999, D.C. Law 12-207, § 116, as added Sept. 24, 2010, D.C. Law 18-223, § 4062, 57 DCR 6242; Apr. 8, 2011, D.C. Law 18-370, § 402(e), 58 DCR 1008; Sept. 14, 2011, D.C. Law 19-21, § 7013, 58 DCR 6226; Sept. 26, 2012, D.C. Law 19-171, § 97, 59 DCR 6190.)

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-171 made a technical correction to D.C. Law 19-21 which did not affect this section as codified.

**Legislative history of Law 19-171.** — Law 19-171, the “Technical Amendments Act of 2012,” was introduced in Council and assigned

Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.





TITLE 39. LIBRARIES AND CULTURAL INSTITUTIONS.

SUBTITLE I. LIBRARIES.

Chapter  
1. Public Libraries.

SUBTITLE II. CULTURAL INSTITUTIONS.

5. Film DC Economic Incentive.

SUBTITLE I. LIBRARIES.

CHAPTER 1. PUBLIC LIBRARIES.

<i>Subchapter I. General</i>	Sec.
Sec.	39-107. Purchase, rent, and sale of library-related items; use of profits.
39-105. Board of Trustees — Duties; deposit of fines.	39-114. Books and Other Library Materials Account.

*Subchapter I. General.*

§ 39-105. Board of Trustees — Duties; deposit of fines.

- (a) The Board of Library Trustees shall:
- (1) Have the authority to provide for the care and preservation of the library;
  - (2) Determine the policy of the public library;
  - (3) Have the authority to procure all goods and services necessary to operate the library system, independent of the Office of Contracting and the requirements of Chapter 3A of Title 2, except as specified in § 2-351.05, and in accordance with subsection (c) of this section;
  - (4) Have the authority to establish rules necessary for the organization and governance of the Board it deems necessary;
  - (5) Have the authority to establish rules necessary for the management of the library;
  - (6) Have the authority to prescribe rules for borrowing and returning books;
  - (7) Have the authority to fix, assess, and collect fines and penalties for the loss or injury to books and other library materials, and for the retention of books and other library materials beyond the period fixed by library rules;
  - (8) Account for and control, under the rules of the library and the laws of the District of Columbia, the spending of all public funds received by the library;

(9) Make an annual report to the Mayor and the Council of the District of Columbia on the operation of the public library on or before February 1st of each calendar year for the preceding fiscal year;

(10) Select and appoint a professional librarian as librarian of the public library to supervise and manage the day-to-day operations of the library, in accordance with the provisions of Chapter 6 of Title 1. The librarian of the public library shall appoint assistants and employees the Board deems necessary for the proper operation of the library, in accordance with the provisions of subchapter VIII of Chapter 6 of Title 1;

(11) Encourage and assist in the establishment of community support groups in the branch libraries which may advise the Board on library matters, gather information on the needs of the library, promote improvement of library services, and provide general support of library activities;

(12) Meet at least once every 2 months;

(13) Notwithstanding any other provision of law, the Board of Trustees of the District of Columbia Public Library is authorized to hire a fund raiser and to raise funds from private sources and expend those funds for the benefit of the District of Columbia Public Library, with the prior review and approval of the Chief Financial Officer for the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority.

(b) All monies received by the Board for fines and penalties shall be paid to the unrestricted fund balance of the General Fund of the District of Columbia.

(c)(1) The Board may issue rules to govern its procurement. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within the 45-day period, the proposed rules shall be deemed disapproved.

(2) The Board may exercise procurement authority consistent with rules promulgated under the Act until the Board promulgates rules under paragraph (1) of this subsection.

(June 3, 1896, 29 Stat. 244, ch. 315, § 5; Apr. 1, 1926, 44 Stat. 230, ch. 98, § 5; Mar. 3, 1979, D.C. Law 2-139, § 3205(jjj), 25 DCR 5740; Sept. 5, 1985, D.C. Law 6-17, § 2, 32 DCR 3582; Apr. 12, 1997, D.C. Law 11-259, § 316, 44 DCR 1423; Oct. 21, 1998, 112 Stat. 2681-146, Pub. L. 105-277, § 156; Mar. 2, 2007, D.C. Law 16-197, § 2, 53 DCR 8827; Mar. 3, 2010, D.C. Law 18-111, § 4041, 57 DCR 181; Sept. 14, 2011, D.C. Law 19-21, § 9054(c), 58 DCR 6226; Sept. 26, 2012, D.C. Law 19-171, § 217, 59 DCR 6190.)

**Section references.** — This section is referenced in § 1-636.02.

**Effect of amendments.**

The 2012 amendment by D.C. Law 19-171 substituted “the requirements of Chapter 3A of Title 2, except as specified in § 2-351.05” for “the requirements of Unit A of Chapter 3 of Title 2, except as specified in § 2-303.20” in (a)(3).

19-171, the “Technical Amendments Act of 2012,” was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

**Legislative history of Law 19-171.** — Law

## § 39-107. Purchase, rent, and sale of library-related items; use of profits.

The Board shall have power to purchase, rent, and sell library-related items, including, but not limited to, the following: film catalogs and other publications of the library; publications and items of special interest commemorating individuals and events connected with the library; unneeded books; video recordings; reproductions of unique library materials; and promotional items and souvenirs such as book tote bags, pens, notebooks, and postcards. Any profits realized or proceeds collected shall be deposited into the Books and Other Library Materials Account, established by § 39-114.

(June 3, 1896, ch. 315, § 7, as added Oct. 8, 1981, D.C. Law 4-38, § 2, 28 DCR 3389; Mar. 14, 1984, D.C. Law 5-55, § 2, 30 DCR 6284; Sept. 14, 2011, D.C. Law 19-21, § 9053, 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 4022(a), 59 DCR 8025.)

### Effect of amendments.

The 2012 amendment by D.C. Law 19-168 substituted “Books and Other Library Materials Account, established by § 39-114” for “unrestricted fund balance of the General Fund of the District of Columbia” in the second sentence.

**Temporary Amendment of Section.** — Section 101(b) of D.C. Law 19-226 amended this section by striking the phrase “Books and Other Library Materials” wherever it appears and inserting the phrase “Library Collections” in its place.

Section 402(b) of D.C. Law 19-226 provided that the act shall expire after 225 days of its having taken effect.

**Emergency legislation.** — For temporary (90 day) amendment of section, see § 4022(a) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 4022(a) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

For temporary amendment of section, see § 101(b) of the Fiscal Year 2013 Budget Support Technical Clarification Emergency Amendment Act of 2012 (D.C. Act 19-482, October 12, 2012, 59 DCR 12478).

For temporary amendment of section, see § 101(b) of the Fiscal Year 2013 Budget Support Technical Clarification Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-604, January 14, 2013, 60 DCR 1045), applicable as of January 10, 2013.

For temporary amendment of section, see § 101(b) of the Fiscal Year 2013 Budget Support Technical Clarification Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-604, January 14, 2013, 60 DCR 1045), applicable as of January 10, 2013.

**Legislative history of Law 19-168.** — Law 19-168, the “Fiscal Year 2013 Budget Support Act of 2012,” was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

## § 39-113. Competitive process for performance of work.

**Emergency legislation.** — For temporary (90 day) addition of section, see § 4022(b) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) addition of section, see § 4022(b) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

## § 39-114. Books and Other Library Materials Account.

(a) There is established as a nonlapsing account the Books and Other Library Materials Account (“Account”) into which shall be deposited:



- (1) All receipts from the sale of used books and other library materials;
- (2) Proceeds from the sale of library-related merchandise;
- (3) Gifts, grants, and donations designated for collections; and
- (4) Such amounts as may be appropriated for books and other library materials.

(b) The Account shall be used solely for the purpose of procuring books and other library materials, including compact disks, electronic materials, or other records and materials, to maintain and enhance the collection of the District of Columbia Public Library.

(c) All funds deposited into the Account, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(June 3, 1896, 29 Stat. 244, ch. 315, § 14, as added Sept. 20, 2012, D.C. Law 19-168, § 4022(b), 59 DCR 8025.)

**Section references.** — This section is referenced in § 39-107.

**Effect of amendments.** — The 2012 amendment by D.C. Law 19-168 added this section.

**Temporary Amendment of Section.** — Section 101(b) of D.C. Law 19-226 amended this section by striking the phrase “Books and Other Library Materials” wherever it appears and inserting the phrase “Library Collections” in its place.

Section 402(b) of D.C. Law 19-226 provided that the act shall expire after 225 days of its having taken effect.

**Emergency legislation.** — For temporary addition of section, see § 4022(b) of the Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

For temporary addition of section, see § 4022(b) of the Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

For temporary amendment of section, see § 101(b) of the Fiscal Year 2013 Budget Sup-

port Technical Clarification Emergency Amendment Act of 2012 (D.C. Act 19-482, October 12, 2012, 59 DCR 12478).

For temporary amendment of section, see § 101(b) of the Fiscal Year 2013 Budget Support Technical Clarification Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-604, January 14, 2013, 60 DCR 1045), applicable as of January 10, 2013.

For temporary amendment of section, see § 101(b) of the Fiscal Year 2013 Budget Support Technical Clarification Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-604, January 14, 2013, 60 DCR 1045), applicable as of January 10, 2013.

**Legislative history of Law 19-168.** — Law 19-168, the “Fiscal Year 2013 Budget Support Act of 2012,” was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

---

## SUBTITLE II. CULTURAL INSTITUTIONS.

---

### CHAPTER 5. FILM DC ECONOMIC INCENTIVE.

Sec.  
39-501.02. Infrastructure incentives.

Sec.  
39-501.03. Definitions.

**§ 39-501.02. Infrastructure incentives.**

(a) To be eligible for a payment under § 39-501(c), an approved applicant shall:

(1) Invest and expend at least \$250,000 for a qualified film and digital media infrastructure project in the District;

(2) File an application with the Mayor pursuant to subsection (b) of this section;

(3) Enter into an agreement with the Mayor pursuant to subsection (d) of this section;

(4) Comply with the terms of the agreement; and

(5) Not be delinquent in a tax or other obligation owed to the District, or be owned or under common control of an entity that is delinquent in a tax or other obligation owed to the District.

(b) An approved applicant seeking a payment under § 39-501(c) shall submit an application to the Mayor, in a form and with the documentation and information, including an estimate of total base infrastructure investment, as may be prescribed by the Mayor.

(c) After receiving an application under subsection (b) of this section, the Mayor shall review the application and determine whether to enter into an incentive agreement with the applicant pursuant to subsection (d) of this section. In determining whether to enter into the incentive agreement, the Mayor may consider:

(1) The potential that, in the absence of a payment under § 39-501(c), the qualified film and digital media infrastructure project in which the base infrastructure investment will be made will be constructed in a location other than the District, or not constructed at all;

(2) The extent to which the qualified film and digital media infrastructure project is likely to:

(A) Create contracting and procurement opportunities for certified business enterprises;

(B) Create jobs, job training opportunities, and apprenticeships for District residents and District youth;

(C) Promote economic development and neighborhood revitalization in the District;

(3) The extent to which the qualified film and digital media infrastructure project is likely to attract motion picture, television, and video production to the District; and

(4) The record of the applicant in completing commitments to engage in qualified film and digital media infrastructure projects.

(d) An incentive agreement entered into by the Mayor and the eligible production company shall include the following provisions:

(1) The name of the applicant;

(2) A description of the qualified film and digital media infrastructure project;

(3) The applicant's estimated base investment;

(4) A preliminary estimate of the payment to be made by the District pursuant to this agreement;

(5) Any obligations of the eligible production company, including obligations such as a commitment to hire District residents, provide apprenticeship opportunities for District residents and youth, provide employment opportunities for District residents and youth, and to contract with certified business entities; and

(6) Any other provisions considered appropriate by the Mayor.

(e) If the Mayor determines, after the qualified film and digital media infrastructure project is complete, that an applicant has complied with the terms of the agreement under this section, the Mayor may provide to the company the payment authorized by § 39-501(c).

(Mar. 14, 2007, D.C. Law 16-290, § 2b, as added Mar. 3, 2010, D.C. Law 18-111, § 2071(b), 57 DCR 181; Sept. 26, 2012, D.C. Law 19-171, § 99(a), 59 DCR 6190.)

**Section references.** — This section is referenced in § 39-501 and § 39-501.01.

**Effect of amendments.** — The 2012 amendment by D.C. Law 19-171 validated a previously made technical correction in (c)(4).

**Legislative history of Law 19-171.** — Law 19-171, the “Technical Amendments Act of 2012,” was introduced in Council and assigned

Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

### § 39-501.03. Definitions.

For the purposes of this chapter, the term:

(1) “Base infrastructure investment” means the cost, including fabrication and installation, expended by a person in the development of a qualified film and digital media infrastructure project for tangible assets of a type that are, or under the United States Internal Revenue Code will become, eligible for depreciation, amortization, or accelerated capital cost recovery for federal income tax purposes that are physically located in the District for use in a business activity in the District and that are not mobile tangible assets. The term “base infrastructure investment” does not include qualified production expenditure or qualified personnel expenditure.

(2) “Below-the-line crew” means a person employed by an eligible production company for a qualified production after production begins and before production is completed, excluding above-the-line crew such as a producer, director, writer, actor, or other person in a similar position.

(3) “Eligible production company” means an entity in the business of producing qualified productions.

(4) “Postproduction expenditure” means a direct expenditure for editing, Foley recording, automatic dialogue replacement, sound editing, special or visual effects, including computer-generated imagery or other effects, scoring and music editing, beginning and end credits, negative cutting, soundtrack production, dubbing, subtitling, addition of sound or visual effects, advertising, marketing, distribution, and related expenses.

(5) “Qualified film and digital media infrastructure project” means a film, video, television, or digital media production and postproduction facility



located in the District, movable and immovable property and equipment related to the facility, and any other facility that is a necessary component of the primary facility. The term “qualified film and digital media infrastructure project” does not include a movie theater or other commercial exhibition facility.

(6) “Qualified job training expenditure” means salary and other expenditures paid by an eligible production company to provide qualified personnel with on-the-job training to upgrade or enhance the skills of the qualified personnel as a member of the below-the-line crew for a qualified production.

(7) “Qualified personnel” means a District resident that is legally eligible for employment.

(8) “Qualified personnel expenditure” means an expenditure made in the District directly attributable to the production or distribution of a qualified production that is a transaction subject to taxation in the District and is a payment of wages, benefits, or fees to below-the-line crew members who are not residents of the District, and includes a payment to a personal services corporation or professional employer organization for the services of qualified personnel as below-the-line crew members who are not residents of the District.

(9) “Qualified production” means motion picture, television, or video content created in whole or in part in the District, intended for nationwide distribution or exhibition by any means, including by motion picture, documentary, television programming, commercials, or internet video production and includes a trailer, pilot, or any video teaser associated with a qualified production. The term “qualified production” does not include:

(A) A production that:

- (i) Consists primarily of televised news or current events;
- (ii) Consists primarily of a live sporting event;
- (iii) Consists primarily of political advertising;
- (iv) Primarily markets a product or service other than a qualified

production; or

(B) A radio program.

(10)(A) “Qualified production expenditure” means a development, preproduction, production, or postproduction expenditure made in the District that is:

- (i) Directly attributable to the production or distribution of a qualified production;
- (ii) Is for the production or distribution of a qualified production;
- (iii) In accordance with generally accepted entertainment industry practices; and
- (iv) Not a qualified personnel expenditure.

(B) Qualified production expenditure includes the purchase of tangible or intangible personal property or services related to producing or distributing a qualified production, production work, production equipment, production software, development work, postproduction work, postproduction equipment, postproduction software, set design, set construction, set operations, props, lighting, wardrobe, catering, lodging, use of facilities or equipment, use of

soundstages or studios, location fees, and related services, excluding services provided by the District government, and materials, use of vehicles directly attributable to the production or distribution of a qualified production, and any purchase of equipment relating to the duplication or market distribution of any content created or produced in the District, and payment of wages, benefits, or fees to any contractual or salaried employee, including above-the line crew such as producers, directors, writers, and actors, and below-the-line crew who are residents of the District, and excluding below-the-line crew who performs [sic] services in the District, including a payment to a personal services corporation or professional employer organization for the services of qualified personnel.

(Mar. 14, 2007, D.C. Law 16-290, § 2c, as added Mar. 3, 2010, D.C. Law 18-111, § 2071(b), 57 DCR 181; Sept. 20, 2012, D.C. Law 19-168, § 2122, 59 DCR 8025; Sept. 26, 2012, D.C. Law 19-171, § 99(b), 59 DCR 6190.)

**Effect of amendments.** — The 2012 amendment by D.C. Law 19-168 substituted “excluding above-the-line crew such as” for “including” in (2); added “who are not residents of the District” in (8); and in (10)(B), added “or intangible,” “use of facilities or equipment, use of soundstages or studios, location fees, and related services, excluding services provided by the District government, and materials,” and “including above-the line crew such as producers, directors, writers, and actors, and below-the-line crew who are residents of the District, and.”

The 2012 amendment by D.C. Law 19-171

validated a previously made technical correction in (10)(A).

**Legislative history of Law 19-168.** — Law 19-168, the “Fiscal Year 2013 Budget Support Act of 2012,” was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

**Legislative history of Law 19-171.** — See note to § 39-501.02.

# TITLE 40. LIENS.

## Chapter

### 3. Mechanics, Materialmen, and Contractors.

#### CHAPTER 3. MECHANICS, MATERIALMEN, AND CONTRACTORS.

##### *Subchapter I. General*

##### *Subchapter II. Subcontractor's Lien*

Sec.

40-301.02. Notice.

Sec.

40-303.16. Payment into court and release.

#### *Subchapter I. General.*

### § 40-301.02. Notice.

(a)(1) A contractor desiring to enforce the lien shall record in the land records a notice of intent that identifies the property subject to the lien and states the amount due or to become due to the contractor. The notice of intent shall be recorded during the construction or within 90 days after the earlier of the completion or termination of the project. If the notice of intent is not recorded in the land records during the construction or within 90 days after the earlier of the completion or termination of the project, the contractor's lien shall terminate upon the expiration of the 90-day period. A notice of intent that does not comply with subsection (b) of this section shall be void.

(2) Any contractor who records timely a notice of intent in accordance with subsection (a)(1) of this section, shall send to the owner, by certified mail to the current address (or if not available in the local public records, the last known address) of the owner, a copy of the notice of intent within 5 business days after the date of its recordation in the land records. If the certified mail is returned to the contractor unclaimed or undelivered, the contractor shall post a copy of the recorded notice of intent at or on the affected real property in a location generally visible from some entry point to the real property.

(b) The notice of intent shall include the following:

(1) The name and address of the contractor or the contractor's registered agent;

(2) The name and address of the owner or the owner's registered agent;

(3) The name of the party against whose interest a lien is claimed and the amount claimed, less any credit for payments received up to and including the date of the notice of intent;

(4) A description of the work done, including the dates that work was commenced and completed;

(5) A description of the material furnished, including the dates that material was first and last delivered;

(6) A legal description and, to the extent available, a street address of the real property;

(7)(A) To the extent available under applicable law, if the contractor is an



entity organized under the laws of the District of Columbia or is doing business in the District of Columbia within the meaning of applicable District law:

(i) A copy of the contractor's current license to do business in the District issued by the Department of Consumer and Regulatory Affairs; and

(ii) A certificate of good standing from the Department of Consumer and Regulatory Affairs issued within 180 days prior to the date of the filing of the notice of intent; or

(B) To the extent available under applicable law, if the contractor is an individual or an entity organized under laws other than those of the District of Columbia, and is not doing business in the District of Columbia within the meaning of applicable District laws but is required to be licensed by a governmental entity:

(i) A copy of the contractor's current license to do business issued by the government of the other jurisdiction; and

(ii) A certificate evidencing the contractor's good standing in its place of business or state of incorporation issued by the other jurisdiction;

(8) If the project is provided under a home improvement contract, a copy of the home improvement contract; and

(9)(A) A sworn, notarized statement affirming under penalty of perjury and upon personal knowledge that:

(i) The contents of the notice of intent are true and correct to the best of the contractor's information and belief; and

(ii) The contractor has a right to recover the amount claimed.

(B) If a notice of intent is executed by an authorized representative or counsel of the contractor, he or she shall attach evidence of his or her authority to execute the notice of intent on behalf the contractor and shall affirm that the notice of intent is true and correct to the best of the affiant's knowledge and belief.

(Mar. 3, 1901, 31 Stat. 1384, ch. 854, § 1238; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 5, 1966, 80 Stat. 265, Pub. L. 89-493, § 15(a), (b); Mar. 19, 2002, D.C. Law 14-84, § 2(a), 49 DRC 198; Oct. 20, 2005, D.C. Law 16-31, § 2(c), 52 DCR 7195; June 5, 2012, D.C. Law 19-138, § 2(a), 59 DCR)

**Effect of amendments.**

D.C. Law 19-138, in subsec. (a)(1), substituted "during the construction or within 90 days" for "within 90 days".

**Legislative history of Law 19-138.** — Law 19-138, the "Mechanics Lien Amendment Act of 2012", was introduced in Council and assigned Bill No. 19-489, which was referred to the

Committee on the Judiciary. The Bill was adopted on first and second readings on February 7, 2012, and March 6, 2012, respectively. Signed by the Mayor on March 27, 2012, it was assigned Act No. 19-335 and transmitted to both Houses of Congress for its review. D.C. Law 19-138 became effective on June 5, 2012.

*Subchapter II. Subcontractor's Lien.*

**§ 40-303.16. Payment into court and release.**

(a) In any suit to enforce a lien under this chapter, the owner of the building and premises to which the lien may have attached may be allowed to either:

(1) Pay into court the amount claimed by the lienor, and such additional amount, to cover interest and costs, as the court may direct; or

(2) File a written undertaking, with one or more sureties, to be approved by the court, to the effect that he or she and they will pay the judgment that may be recovered, which may include interest and costs; provided, that:

(A) Where the surety is to be provided by bond, only one bond shall be required; and

(B) The judgment shall be rendered against all the persons so undertaking.

(b) On the payment of the money into court, or the approval of the undertaking pursuant to subsection (a)(2) of this section, the property shall be released from the lien, and any money so paid in shall be subject to the final decree of the court.

(c)(1) No undertaking pursuant to subsection (a)(2) of this section shall be approved by the court until the complainant shall have had at least 5 days notice of the defendant's intention to apply to the court for the approval, which notice shall give the name and residence of the person to be offered as surety, or persons if the court determines more than a single surety is required, and the time when the motion for the approval will be made.

(2) Any surety shall make oath, if required, that he or she is worth, over and above all debts and liabilities, double the amount of the lien.

(3) The complainant may appear and object to the approval.

(Mar. 3, 1901, 31 Stat. 1387, ch. 854, § 1254; June 5, 2012, D.C. Law 19-138, § 2(b), 59 DCR 2553.)

**Section references.** — This section is referenced in § 42-1902.02 and § 42-2025.

**Effect of amendments.** — D.C. Law 19-138 rewrote the section, which formerly read:

“In any suit to enforce a lien hereunder, the owner of the building and premises to which such lien may have attached, as aforesaid, may be allowed to pay into court the amount claimed by the lienor, and such additional amount, to cover interest and costs, as the court may direct, or he may file a written undertaking, with 2 or more sureties, to be approved by the court, to the effect that he and they will pay the judgment that may be recovered and costs, which judgment shall be rendered against all the persons so undertaking. On the payment of said money into court, or the approval of such undertaking, the property shall be released

from such lien, and any money so paid in shall be subject to the final decree of the court. No such undertaking shall be approved by the court until the complainant shall have had at least 2 days notice of the defendant's intention to apply to the court therefor, which notice shall give the names and residences of the persons intended to be offered as sureties and the time when the motion for such approval will be made, and such sureties shall make oath, if required, that they are worth, over and above all debts and liabilities, double the amount of said lien. The complainant may appear and object to such approval.”

**Legislative history of Law 19-138.** — For history of Law 19-138, see notes under § 40-301.02.

















